

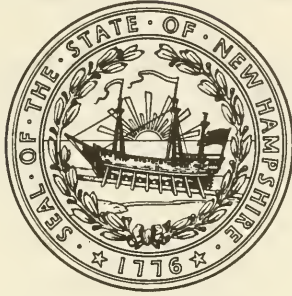








# NEW HAMPSHIRE GENERAL COURT



## JOURNAL of the HOUSE OF REPRESENTATIVES

containing the  
1997 Session  
December 4, 1996  
through  
June 25, 1997

DONNA SYTEK  
SPEAKER

KAREN O. WADSWORTH  
CLERK

ROBERT A. JOHNSON, II  
SERGEANT-AT-ARMS

LEO J. CALLAHAN  
ASSISTANT CLERK

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# HOUSE JOURNAL No. 1

Wednesday, December 4, 1996

The House assembled at 1:00 p.m.

On the first Wednesday in December in the year of our Lord, one thousand nine hundred and ninety-six, it being the day designated by the Constitution for assembling, the one hundred and fifty-fifth General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The representatives-elect were called to order by Karen O. Wadsworth, House Clerk for the preceding session.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of love and justice, near to us as the breath which gives us life and yet distant as the farthest star, hear our prayer for these servants of the common good and for the staff members who support them. So organize them around Your divine will that their research and reflections, along with their discussions and decisions, may reflect the highest hopes which You have for the land and people of New Hampshire. Amen.

Rep.-elect Kevin Smith led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps.-elect Guest, Healy and St. Hilaire, the day, illness.

Reps.-elect Cushing and Beverly Gage, the day, important business.

## CALL OF THE ROLL

### BELKNAP COUNTY

- |                        |   |
|------------------------|---|
| <b>Dist. No. 1 (2)</b> | Thomas J. Boriso, r; David M. Lawton, r   |
| <b>Dist. No. 2 (2)</b> | Robert J. Laflam, r; Thomas B. Salatiello, d  |
| <b>Dist. No. 3 (2)</b> | James P. Pilliod, r; John H. Thomas, r  |
| <b>Dist. No. 4 (2)</b> | Charles L. Clark, r; George Hurt, r   |
| <b>Dist. No. 5 (3)</b> | Robert K. Boyce, r; Paul A. Golden, r; Alice S. Ziegler, r  |
| <b>Dist. No. 6 (1)</b> | Gordon E. Bartlett, r   |
| <b>Dist. No. 7 (6)</b> | Robert G. Holbrook, r; Robert M. Lawton, r; Thomas E. P. Rice, Jr., r;<br>Ralph J. Rosen, r; Robert H. Turner, r; John A. Veazey, r |

### CARROLL COUNTY

- |                         |   |
|-------------------------|---|
| <b>Dist. No. 1 (1)</b>  | Gene G. Chandler, r&d                             |
| <b>Dist. No. 2 (2)</b>  | Kipp A. Cooper, r&d; Howard C. Dickinson Jr., r&d |
| <b>Dist. No. 3 (1)</b>  | Henry P. Mock, r&d                                |
| <b>Dist. No. 4 (1)</b>  | Donald R. Philbrick, r                            |
| <b>Dist. No. 5 (2)</b>  | David L. Babson, Jr., r&d; L. Randy Lyman, r&d    |
| <b>Dist. No. 6 (1)</b>  | Joseph D. Kenney, r                               |
| <b>Dist. No. 7 (1)</b>  | Kenneth J. MacDonald, r                           |
| <b>Dist. No. 8 (1)</b>  | Jeb E. Bradley, r&d                               |
| <b>Dist. No. 9 (1)</b>  | Betsey L. Patten, r                               |
| <b>Dist. No. 10 (2)</b> | Robert W. Foster, r; Godfrey G. Howard, r         |

### CHESHIRE COUNTY

- |                        |   |
|------------------------|---|
| <b>Dist. No. 1 (1)</b> | Paul A. McGuirk, d&r                          |
| <b>Dist. No. 2 (2)</b> | Sarah K. Bonneau, d&l; John M. Pratt, d       |
| <b>Dist. No. 3 (1)</b> | Wanda G. McNamara, r                          |
| <b>Dist. No. 4 (1)</b> | John A. Vogl, d                               |
| <b>Dist. No. 5 (1)</b> | Irene A. Pratt, d&r                           |
| <b>Dist. No. 6 (1)</b> | Edwin O. Smith, r                             |
| <b>Dist. No. 7 (1)</b> | William A. Riley, d&r                         |
| <b>Dist. No. 8 (2)</b> | Stephen G. Avery, r; Daniel M. Burnham, d     |
| <b>Dist. No. 9 (2)</b> | Joseph P. Manning, r&d; H. Charles Royce, r&d |

- Dist. No. 10 (1)** John B. Hunt, r&d
- Dist. No. 11 (2)** Margaret E. Lynott, d; Myron S. Steere, III, r
- Dist. No. 12 (1)** Barbara Hull Richardson, d
- Dist. No. 13 (1)** Katherine H. Metzger, r
- Dist. No. 14 (1)** Benjamin J. DePecol, d
- Dist. No. 15 (1)** Ronald G. Russell, d
- Dist. No. 16 (1)** David R. Meader, d
- Dist. No. 17 (1)** John J. O'Connell, d
- Dist. No. 18 (1)** Timothy N. Robertson, d
- Dist. No. 19 (3)** Richard L. Champagne, d; Richard F. Doucette, d; Margaret A. Lynch, d

### COOS COUNTY

- Dist. No. 1 (2)** Perley E. Davis, r; Gerald P. Merrill, r
- Dist. No. 2 (1)** Wayne T. Moynihan, d
- Dist. No. 3 (1)** Lynn C. Horton, r
- Dist. No. 4 (1)** Leighton C. Pratt, r
- Dist. No. 5 (1)** John E. Tholl, Jr., r
- Dist. No. 6 (2)** Paula E. Bradley, d; Lawrence J. Guay, r
- Dist. No. 7 (5)** Henry W. Coulombe, d; Yvonne Coulombe, d; Marie C. Hawkinson, d&r;  
Edgar H. Mears, d&r; Elected, not sworn

### GRAFTON COUNTY

- Dist. No. 1 (3)** Steven J. Connolly, r; Stephanie Eaton, r; Richard L. Hill, r
- Dist. No. 2 (1)** Richard T. Trelfa, r
- Dist. No. 3 (1)** William E. Williams, Jr., r
- Dist. No. 4 (1)** Bonnie D. Ham, r
- Dist. No. 5 (2)** Paul I. LaMott, r&d; Douglass P. Teschner, r&d
- Dist. No. 6 (2)** Paul K. Chase, Jr., r; Sidney Lovett, d
- Dist. No. 7 (2)** Harry Hinman, r; Allen K. MacNeil, r
- Dist. No. 8 (2)** William R. Phinney, r&d; John M. Root, r&d
- Dist. No. 9 (1)** John R. M. Alger, r&d
- Dist. No. 10 (4)** Marion L. Copenhaver, d; Elected, not sworn; Elsa M. Luker, d;  
Sharon L. Nordgren, d
- Dist. No. 11 (2)** Elected, not sworn; Phil A. Weber, r&d
- Dist. No. 12 (1)** Paul M. Mirski, r
- Dist. No. 13 (1)** Clifton C. Below, d&r
- Dist. No. 14 (4)** Ralph L. Akins, idr; Elected, not sworn; Channing T. Brown, r;  
Lawrence V. Guaraldi, r

### HILLSBOROUGH COUNTY

- Dist. No. 1 (1)** W. Gordon Allen, d
- Dist. No. 2 (1)** Herbert R. Hansen, r
- Dist. No. 3 (1)** Maxwell D. Sargent, r
- Dist. No. 4 (1)** Susan J. Clay, r
- Dist. No. 5 (2)** Neal M. Kurk, r&d; Paul R. Perkins, r
- Dist. No. 6 (1)** O. Alan Thulander, r
- Dist. No. 7 (5)** Lawrence A. Emerton, Sr, r; Ruth E. Gage, d; Bruce F. Hunter, r;  
Karen K. McRae, r; Robert L. Wheeler, r
- Dist. No. 8 (2)** Merton S. Dyer, r; Andrew R. Peterson, r
- Dist. No. 9 (1)** Eleanor H. Amidon, r
- Dist. No. 10 (1)** Linda T. Foster, d
- Dist. No. 11 (1)** Harold P. Melcher, d
- Dist. No. 12 (1)** Lauren Carney, r
- Dist. No. 13 (4)** Gary L. Daniels, r&d; Charles W. Ferguson, r; Keith R. Herman, r&d;  
Peter R. Leishman, r
- Dist. No. 14 (3)** William S. Belvin, r; Cynthia J. Dokmo, r; Carol H. Holden, r

- Dist. No. 15 (4)** M. Virginia Burke, r; Kathleen M. Flora, r&d; Maurice E. Goulet, r; Evelyn S. Letendre, r
- Dist. No. 16 (1)** Peter F. Bergin, r&d
- Dist. No. 17 (2)** Leon Calawa, Jr., r; Loren J. Jean, r
- Dist. No. 18 (8)** Peter L. Batula, r; Robert W. Brundige, r&l; Dennis H. Fields, r; Robert N. Kelley, r; Robert J. L'Heureux, r&l; Doris R. MacIntyre, r; Tim S. McGough, r; Robert H. Milligan, r
- Dist. No. 19 (1)** Donald Carlson, r&d
- Dist. No. 20 (2)** Thomas I. Arnold, Jr., r; Betty B. Hall, d
- Dist. No. 21 (1)** Jeffrey C. MacGillivray, r
- Dist. No. 22 (2)** Susan B. Durham, r; George W. Wright, r
- Dist. No. 23 (6)** David J. Alukonis, r; Lars T. Christiansen, r; Robert E. Clegg, Jr., r; David S. Feng, r; Rudy Lessard, r; Stanley N. Searles, Sr, r
- Dist. No. 24 (3)** James J. Fenton, r; Harold V. Lynde, d; Michael F. Marcinkowski, r
- Dist. No. 25 (1)** Donald B. White, r&d
- Dist. No. 26 (3)** Suzan L. R. Franks, r; Ruth Ginsburg, d&r; Jane E. O'Hearn, r
- Dist. No. 27 (3)** Geoffrey C. Briefs, r; Richard J. LaRose, r; Robert S. Mercer, r
- Dist. No. 28 (3)** William H. Barry, III, d&r; Robert A. Daigle, d; Sylvia A. Holley, r
- Dist. No. 29 (3)** Kevin J. Clemons, d; David E. Cote, d; Alphonse A. Haettenschwiller, d
- Dist. No. 30 (3)** Philip M. Ackerman, d; Donnalee M. Lozeau, r; Rita G. MacAuslan, d
- Dist. No. 31 (3)** Jane A. Clemons, d; Roland J. Lefebvre, d; George D. Murch, III, r
- Dist. No. 32 (3)** Lori Cardin, d; Peter R. Cote, d; Claudette R. Jean, d
- Dist. No. 33 (3)** Eileen P. Dawe, r; Joseph A. Foster, d&r; Joan C. Sullens, r
- Dist. No. 34 (3)** Mary Ellen Martin, d&r; Dawn C. Piteri, r; Paul W. Taylor, r
- Dist. No. 35 (1)** David B. Holt, r
- Dist. No. 36 (1)** A. Theresa Drabinowicz, d
- Dist. No. 37 (3)** David R. Boutin, r; Nick Hart, r; David T. Mittelman, r
- Dist. No. 38 (3)** William M. Golding, r; Winston H. McCarty, r; Michael Morello, r
- Dist. No. 39 (3)** Peter F. Leonard, d; Thomas F. O'Rourke, d&r; Carol Ann Williams, d
- Dist. No. 40 (3)** Lionel W. Johnson, d; Leo P. Pepino, r; Jay T. White, d
- Dist. No. 41 (3)** Elected, not sworn; William J. McCarthy, d; James A. McDonald, Sr, d
- Dist. No. 42 (3)** Benjamin C. Baroody, d&r; Bernard J. Luebker, r; Robert E. Murphy, d
- Dist. No. 43 (3)** W. Thomas Ameen, d; Paul J. Dwyer, Sr, d; Robert J. Haley, d
- Dist. No. 44 (3)** Raymond C. Buckley, III, d; Frances L. Riley, r; J. Steve Vaillancourt, d
- Dist. No. 45 (3)** William J. Desrosiers, r; Gerald O. Gosselin, d; Michael Kelly, d
- Dist. No. 46 (3)** Lou D'Allesandro, d; Irene M. Messier, r&d; Frank J. Reidy, d
- Dist. No. 47 (3)** Robert P. Asselin, d; Shannon L. Bernier, d; Roland M. Turgeon, d&r
- Dist. No. 48 (3)** Robert F. Chabot, r; Eugene L. Gagnon, r; Donald Welch, d&r

### MERRIMACK COUNTY

- Dist. No. 1 (2)** Earle W. Chandler, r; William E. Leber, r
- Dist. No. 2 (3)** Peter O. Crowell, r; Alf E. Jacobson, r; Avis B. Nichols, r
- Dist. No. 3 (2)** Barbara C. French, d; Bernard D. Lamach, r
- Dist. No. 4 (1)** Kenneth R. Marshall, r
- Dist. No. 5 (1)** Michael D. Whalley, r
- Dist. No. 6 (1)** Derek Owen, d&r
- Dist. No. 7 (3)** Eric Anderson, r; Stephen T. DeStefano, d; Patricia Krueger, r
- Dist. No. 8 (1)** Gerard L. St Cyr, d
- Dist. No. 9 (4)** Stephen J. Adams, r; David E. Larrabee, r; Robert A. Lockwood, r; Roy D. Maxfield, r
- Dist. No. 10 (2)** Mary E. Brown, r; Charles B. Yeaton, d
- Dist. No. 11 (3)** David W. Hess, r; Ray F. Langer, r; Terence R. Pfaff, r
- Dist. No. 12 (4)** Kathleen A. Colburn, r; Thomas M. Colburn, r; Gabriel J. Daneault, d; Gerard H. Lavoie, r&d
- Dist. No. 13 (3)** Martin Feuerstein, r; Olive B. Morrill, r; James A. Whittemore, r
- Dist. No. 14 (1)** Carol T. Burney, d&r
- Dist. No. 15 (1)** Jean R. Wallin, d&r

- Dist. No. 16 (1) Mary Stuart Gile, d
- Dist. No. 17 (1) Gloria Seldin, d
- Dist. No. 18 (1) Elizabeth S. Hager, r
- Dist. No. 19 (1) Elected, not sworn
- Dist. No. 20 (1) Toni M. Crosby, d
- Dist. No. 21 (1) Marilyn A. Fraser, d
- Dist. No. 22 (1) Katherine D. Rogers, d
- Dist. No. 23 (1) Tara G. Reardon, d
- Dist. No. 24 (3) Miriam D. Dunn, d; Elizabeth K. Hoadley, r; Mary Jane Wallner, d

### ROCKINGHAM COUNTY

- Dist. No. 1 (1) Robert A. Johnson, r
- Dist. No. 2 (1) Margaret A. Case, r
- Dist. No. 3 (1) Ronald J. Nowe, r&d
- Dist. No. 4 (1) Robert K. Dodge, r
- Dist. No. 5 (1) Charles D. Stritch, r&d
- Dist. No. 6 (1) Rudolph J. Kobel, r
- Dist. No. 7 (1) Joseph E. Stone, r&d
- Dist. No. 8 (1) Rebecca C. Hutchinson, d
- Dist. No. 9 (2) Patricia L. Cote, r; Thomas A. Varrell, r
- Dist. No. 10 (1) Jon P. Beaulieu, r
- Dist. No. 11 (1) Ralph H. Millard, r
- Dist. No. 12 (3) Franklin C. Bishop, r; Richard E. Dolan, r; Marian E. Lovejoy, r
- Dist. No. 13 (11) M. Kathryn Aranda, r; Sandra K. Dowd, r; Patricia A. Dowling, r;  
Robert M. Fesh, r; Paul A. Gibbons, r&d; John P. Gleason, r;  
George N. Katsakiores, r; Phyllis M. Katsakiores, r; John S. Langone, r&d;  
Robert J. Letourneau, r; Norma A. Sabella, r
- Dist. No. 14 (1) Natalie S. Flanagan, r
- Dist. No. 15 (2) Joseph A. Guthrie, r; Neil J. Reardon, r&d
- Dist. No. 16 (2) LeRoy S. Dube, r&d; Norman L. Major, r&d
- Dist. No. 17 (2) Kevin L. Camm, r; Mark A. Cegelis, r&d
- Dist. No. 18 (4) Marjorie H. Battles, r&d; John W. Flanders, Sr, r&d; David A. Welch, r&d;  
Kenneth L. Weyler, r&d
- Dist. No. 19 (3) Dennis F. Abbott, d; Betsy A. Coes, d; Frank M. Schanda, d
- Dist. No. 20 (5) David A. Flanders, r; John B. Heath, d; Warren C. Henderson, r;  
J. Arthur Tufts, r; Jackie K. Weatherspoon, d
- Dist. No. 21 (3) Charles H. Felch, Sr, r; Benjamin E. Moore, r; Patricia M. O'Keefe, d
- Dist. No. 22 (5) Andrew Christie, Jr., r; Elected, not sworn; Sheila T. Francoeur, r;  
Jane P. Kelley, d; Kenneth W. Malcolm, r
- Dist. No. 23 (1) Bruce L. Dearborn, r
- Dist. No. 24 (2) Jane S. Langley, r&d; John J. McCarthy, r
- Dist. No. 25 (3) George R. Rubin, r&d; John Anthony Simmons, r; Deborah L. Woods, r
- Dist. No. 26 (9) Ronald J. Belanger, r; Richard T. Cooney, r; Michael W. Downing, d;  
Elected, not sworn; Stephanie K. Micklon, d; Richard Noyes, r;  
Bernard J. Raynowska, r; Nancy C. Stickney, r; Donna Sytek, r
- Dist. No. 27 (3) Janet S. Arndt, r; Mary E. Griffin, r; Debbie L. Morris, r
- Dist. No. 28 (1) Arthur P. Klemm, Jr., r
- Dist. No. 29 (7) Gregory G. Carson, r; Vivian L. Dunham, r; Betsy McKinney, r;  
Walter J. Mikowski, r; Sherman A. Packard, r; Kevin H. Smith, r&d;  
Giovanni M. Verani, r
- Dist. No. 30 (1) Laura C. Pantelakos, d
- Dist. No. 31 (1) Terie T. Norelli, d
- Dist. No. 32 (1) Cecelia D. Kane, d
- Dist. No. 33 (2) Joseph G. Frechette, r; Anthony Syracuse, d
- Dist. No. 34 (1) MaryAnn N. Blanchard, d
- Dist. No. 35 (2) Cynthia A. McGovern, d; Charles L. Vaughn, d&r
- Dist. No. 36 (1) Martha Fuller Clark, d

**STRAFFORD COUNTY**

- Dist. No. 1 (1)** David A. Bickford, r&d  
**Dist. No. 2 (1)** Robert E. McKinley, r  
**Dist. No. 3 (2)** Henry P. Sullivan, d&r; William Tsiros, r&d  
**Dist. No. 4 (1)** Dennis P. Vachon, d  
**Dist. No. 5 (1)** Barbara L. Spear, r  
**Dist. No. 6 (2)** Marlene M. DeChane, d; George T. Musler, r  
**Dist. No. 7 (1)** Naida L. Kaen, i&r  
**Dist. No. 8 (4)** Iris W. Estabrook, d; Amanda A. Merrill, d; Deborah F. Merritt, d; Marjorie K. Smith, d  
**Dist. No. 9 (1)** Janet G. Wall, d&r  
**Dist. No. 10 (1)** Michael S. Rollo, d  
**Dist. No. 11 (4)** Roland E. Hemon, d&r; William V. Knowles, d&r; William H. McCann, Jr., d; Kathleen N. Taylor, d&r  
**Dist. No. 12 (4)** Arthur J. Pelletier, d&r; Marsha L. Pelletier, d&r; Ann M. Torr, r; Franklin G. Torr, r  
**Dist. No. 13 (1)** Joseph R. Twardus, d  
**Dist. No. 14 (4)** Roger R. Berube, d; Dana S. Hilliard, d&r; Clair A. Snyder, d&r; Francis C. Vincent, d  
**Dist. No. 15 (2)** Frank D. Callaghan, d&r; Rose Marie Rogers, d&r  
**Dist. No. 16 (2)** William P. Brennan, d; Sandra Balomenos Keans, r  
**Dist. No. 17 (2)** George F. Brown, d; Julie M. Brown, r  
**Dist. No. 18 (2)** Patricia C. Dunlap, r; Raymond A. Lundborn, d  
**Dist. No. 19 (2)** Anne C. Grassie, d; Ralph W. Torr, r

**SULLIVAN COUNTY**

- Dist. No. 1 (1)** Peter Hoe Burling, d  
**Dist. No. 2 (1)** Richard C. Leone, r  
**Dist. No. 3 (1)** Merle W. Schotanus, r  
**Dist. No. 4 (3)** Gordon B. Flint, r; David Kibbey, r; Celestine K. Wiggins, d  
**Dist. No. 5 (1)** Rudolf A. Adler, r&l  
**Dist. No. 6 (1)** Brenda L. Ferland, d  
**Dist. No. 7 (1)** Eric N. Lindblade, r  
**Dist. No. 8 (1)** John R. Cloutier, d&r  
**Dist. No. 9 (1)** Richard H. Krueger, r  
**Dist. No. 10 (1)** David C. Allison, d  
**Dist. No. 11 (2)** Thomas E. Donovan, d; Lorraine R. Palmer, d&r

With 392 members having answered the call of the roll, a quorum was declared present.

**RESOLUTION**

Representatives-elect Sytek and Burling offered the following:

RESOLVED, that a committee of six be appointed to wait upon the Governor and the Honorable Council to inform them that a quorum of the House is assembled and requests their attendance. Adopted.

The Chair appointed Representatives-elect Paul I. LaMott, Marion L. Copenhaver, Howard C. Dickinson, Jr., Natalie S. Flanagan, Lynn C. Horton and Robert A. Johnson.

**INTRODUCTION OF GUESTS**

Bobbi and Justin Flessu-LaRoche, guests of Rep.-elect John Pratt. Donna Tholl and George and Carlene Dumas, wife and in-laws of Rep.-elect Tholl. Kirsten, Jennifer, Anna, Sarah and Ellie Peterson, wife and daughters of Rep.-elect Peterson. Janice Batula, Carrie and Amanda Morris and Jennifer and Madeline Collins, wife, daughters and granddaughters of Rep.-elect Batula. Charlene Takesian, Zachary Lynde and Steven Clermont, wife, son and step-son of Rep.-elect Lynde. Frank Earl, Frank Edward, Patryc and Rhonda Wiggins and Ethan Johnson, husband, son, daughter, daughter-in-law and grandson of Rep.-elect Wiggins. John Pelletier, son of Reps.-elect Arthur and Marsha Pelletier. Bruce and Denise Smith, parents of Rep.-elect

Kevin Smith. Doris Sweet and Carl and Betty Tonnessen, guests of Rep.-elect Cooney. Marian and Molly Ann Irving and Mary Beth and John Robert Foster, daughter, granddaughter, daughter-in-law and grandson of Rep.-elect Robert Foster. Helen Holbrook, wife of Rep.-elect Holbrook. Ronald and Karen Francoeur, Ryan Cota and Penny Hamilton, guests of Rep.-elect Francoeur. Priscilla Clark, wife of Rep.-elect Charles Clark. Russell, Clarke and Rebeka Weatherspoon, Kim Walker, Marguerite Pearson, Jim Gilmore and Thomas Meehan, husband, son, daughter, sister and guests of Rep.-elect Weatherspoon. Brenda and Kevin Major, wife and son of Rep.-elect Major. Frank and Marcella McArthur, James, Mark and David Flora, parents, husband and sons of Rep.-elect Flora. Judith and Charlie Pilliod, wife and son of Rep.-elect Pilliod. Brenda Dolan, wife of Rep.-elect Dolan. Kristi, Heidi and Lynn Tillotson and Charleston and Betty Hoadley, guests of Rep.-elect Hoadley. John and Mary Sytek, Frances Page, Leslie and Stephen Behan and Caroline Clough, husband, daughter and guests of Rep.-elect Sytek. Elfriede Murch and Harry Fellbaum, wife and guest of Rep.-elect Murch. Former N.H. Representative Janet Conroy, guest of the Derry Representatives-elect. Emily, Sarah and Alice Kinsler and Richard Levitt, guests of Rep.-elect Selden. Sharon, Alicia and Dierdre Carson, wife and daughters of Rep.-elect Carson. Marjorie Leber, wife of Rep.-elect Leber. Elizabeth Adams, wife, and the children of Rep.-elect Adams. Former N.H. Representative William Boucher, guest of Rep.-elect Packard. Mal and Scott MacIntyre, husband and son of Rep.-elect MacIntyre. Amanda Perez and Kevin Clemons, Jr., wife and son of Rep.-elect Kevin Clemons. Mary Lou Nowe and Don and Barbara Sesion, wife and guests of Rep.-elect Nowe. Bill Bradley, husband of Rep.-elect Paula Bradley. Christy Belvin, wife of Rep.-elect Belvin. Ann Bergin, wife of Rep.-elect Bergin. Cindy and Nathan Wilkinson, niece and great-nephew of Rep.-elect Yeaton. Barry Cardin, son of Rep.-elect Cardin. Osvaldo and Patricia Verani and Noelle Voto, parents and guest of Rep.-elect Verani. Deanna Rollo and Ruth Dorey, mother and grandmother of Rep.-elect Rollo. Jetta and Christine Connolly, mother and sister of Rep.-elect Connolly. Jane, John-Paul and Sarah Vachon, wife, son and daughter of Rep.-elect Vachon. Mr. & Mrs. Vincent DeChane and Patricia Holmes, family of Rep.-elect DeChane. Geraldine Mittelman, mother of Rep.-elect Mittelman. Louise Gleason, wife of Rep.-elect Gleason. Chuck, Joelle and Andrew Grassie, husband, daughter and son of Rep.-elect Grassie. Douglas, Warren, Hope, Troy and Laura Micklon, LuAnn Kuda and Linda Quinn, husband, children, mother-in-law and guests of Rep.-elect Micklon. Heidi Downing and Robert McGuire, wife and guest of Rep.-elect Downing. Jeanne, David and Denise Wheeler and George Dutton, wife, son, daughter and guest of Rep.-elect Wheeler. Robert Gile, Chris Trider and Alicia Gile, husband, son and granddaughter of Rep.-elect Gile. Theresa Labrecque and Paula Colburn, mother and daughter of Rep.-elect Kathleen Colburn. Leo Bernier, father of Rep.-elect Bernier. Peter Geer, guest of Rep.-elect Luker. Irene and David Welch, mother and brother of Rep.-elect Donald Welch. Robert Calvert, guest of Rep.-elect Ziegler. Andrew Griffin, guest of Rep.-elect Griffin. Allen, Gina and Daniel Norelli, husband and children of Rep.-elect Norelli.

### OATH OF OFFICE

The Governor, Stephen R. Merrill, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Councilors Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Earl A. Rinker, III and Bernard Streeter, Jr. The members-elect, having presented their credentials, were duly qualified by the Governor as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution of the State of New Hampshire.

The Governor and Executive Councilors retired.

### ELECTION OF HOUSE SPEAKER

The Chair declared that nominations for Speaker were in order.

Rep. Buckley moved that all speeches made during the day's session be printed in the Journal. The motion failed.

Rep. Buckley moved that the nominating and seconding speeches of Reps. Lozeau and Kurk, the motion and remarks of Rep. Burling and the remarks of Rep. Sytek be printed in the Journal.

Adopted.

Chair: The Chair recognizes the member from Nashua, Representative Lozeau, for the purpose of making a nomination.

Rep. Lozeau: Thank you Madam Clerk. I rise to place the name of Donna Sytek in nomination for Speaker of the House. Boy, that is a tough act to follow, isn't it? After the Governor says she is terrific, what can the rest of us say? I guess what I would like to tell you about is what most of us already know and that is what it is like to work with Donna, and how fortunate, I believe, we are all going to be. I came to the House 12 years ago and was privy to Donna's advice and lucky to have her as my first chairman. I think that all of us have received advice, in one way or another, from Donna - dogs and fireworks and everything you can think of and then some. But, better than that, what we have been fortunate to receive from Donna is the ability that she has to bring out the best in all of us. When you get advice from Donna it is not somebody talking to you and telling you this is how it is and this is what you should do. It is somebody that is putting you in a position to ask yourself the right questions so that you come up with the answer on your own. All she did was give you the right way to ask the questions. That is something that we are all lucky to have. Also, all of us fresh off the campaign trail know that one of the hardest things is when you are dealing with the media and the state leaders determining what the burning issues of the day are. They point out which ones they are and they ask you for your positions. They are listed in the paper and you don't feel you have the opportunity to say to people that it is more than that. It is not the three or four or five issues that the paper said I am for or I am against. It is about who I am and how I do things. There are a thousand bills and that many times that we are going to be asked to vote up here. The question that we ought to be talking about is character. What is the person like? How do you do things? Do you do your homework? Do you look for both sides of an issue? Do you struggle with what is the right thing to do? Do you bring people to the table of all different walks to learn from them so you can make a good judgment? When it comes to Donna Sytek we are fortunate enough to know that all the answers to those are, Yes. That is how Donna does things. All of us have a chance whether she agrees or disagrees. All of us have a straight shot at giving our opinion and participating in the discussion. That makes us much more fortunate than many of the voters that choose us. Nothing personal, I'm sure. It is with great pleasure and a real honor for me to nominate Donna. Oftentimes, in a position like this, people look to quote great leaders and they look up at the wall and say something profound. I'd like to quote a leader from today. That leader said, "We are trusted with the stewardship of our state for the next two years. We should take pride in our work." That leader is Donna Sytek. I hope you will join me. Thank you.

Chair: The Chair recognizes the member from Weare, Representative Kurk, for the purpose of seconding the nomination.

Rep. Kurk: Thank you Madam Chairman. It is with great pleasure that I rise to second the nomination of Representative Sytek for Speaker of this House. Each member of this House cares deeply about whom we elect Speaker. Why? Why does it matter whom we choose to lead us? Most of the time we are actively engaged in legislating. Talking to our constituents and each other about what needs to be done for New Hampshire and how to go about doing it. We're doing the important thing that we were elected to do. We are shaping the future. The third floor is just not in the forefront of our minds. Yet, we know that the third floor is the key to our success. The Speaker organizes this House so that we can do our business effectively and efficiently. The Speaker energizes this House so that, inspired, we can do the best we are capable of doing. The Speaker represents this House so that our efforts achieve results in the Senate, with the Governor and, of course, with the public. Organizing, energizing, representing, these are the qualities of leadership that our Speaker needs. These are the qualities that describe Donna Sytek. Representative Sytek knows the system. She knows the rules. She knows the process. She knows the players. She shared that rich knowledge with fellow legislators. Her office door has always been open and many of us have taken advantage of the opportunity. Representative Sytek's advice is good because her experience is extensive. In this Legislature, she has been a Representative for 10 terms. She has chaired three major House committees. She served on key task forces and commissions dealing with domestic violence, corrections, juvenile justice and the state's revenue structure. At the state level, she has chaired the Republican State Committee. At the national level, she sat on the Executive Committees of the National Conference of State Legislatures and the Council of State Governments and she has been President of the National Republican Legislators Association. As important as Rep-

representative Sytek's experience, is her ability to build consensus from diversity. On Ways and Means, when I served on that Committee, time and again, she was able to get strong-willed, even stubborn legislators to sing harmoniously from the same song sheet. She demonstrated similar talent in putting together the coalitions necessary to pass truth-in-sentencing and juvenile justice reform. As Speaker, Representative Sytek will lead us in developing a House position and seeing it successfully through the legislative process. She has the talent necessary to make the case. She has a gift for concise, heart-of-the-issue expression, and a delightful sense of humor that has served her well in speaking to groups across the state and, as we all know, on radio and television. She can negotiate and horse trade with the best of them. She is nonconfrontational but she is very, very determined. Most important, Representative Sytek has enormous respect for this House as an institution. Above all else, she is committed to upholding and enhancing its reputation and its honor. Madam Chairman, this House has been led by some excellent Speakers. Representative Sytek will be among the best of them. I hope you will join me in supporting her for Speaker. Thank you.

Chair: Are there any further nominations? There being none the Chair declares the nominations for Speaker closed and recognizes the member from Cornish, Representative Burling, for the purpose of making a motion.

Rep. Burling: Thank you Madam Chair. I move that the Clerk be directed to cast one ballot for the election of Representative Donna Sytek as our next Speaker and that we vote by acclamation in support of that. I get to say a few words about this. I have an acquaintance and constituent who tells a moving story about change and new beginnings. I'd like to share that story with you today. This man was part of the crew of a B-29 that flew over Japan in the last days of the war in 1945. Day after day he flew high over burning cities, dropping tons of explosives on the buildings below. When the cease fire came, our storyteller and his crew wondered where they might be ordered to go next. They thought they might be sent to Tokyo Bay to join the fleet of thousands of aircraft that were to fly over the peace treaty signing ceremony on the USS Missouri. But, on the date set for that ceremony their plane was loaded with tons of food and they were sent not to Tokyo, but in search of a camp in the South of Japan where thousands of prisoners were known to be starving. It took them a long time to find that camp but they finally spotted it. The pilot made a long slow approach over the buildings in the camp and then turned to make another pass. As he did so, as he swung around, the pilot opened the bomb doors. Looking down through the gaping bomb bay, our storyteller saw a sight which stunned him. Instead of burning buildings far below, an image that he had grown to expect, he saw the upturned faces of thousands of human beings, prisoners of war awaiting relief. My constituent says that every time he tells that tale, he will never forget that image. It was the essence of change. It was the beginning of peace. We are in a time of change right now in New Hampshire. All of us here in New Hampshire are witnesses to a remarkable new beginning in the political life of our state. We have a new Governor and she comes to us with a string of firsts following her name. Not only is Jeanne Shaheen the first woman to be our Governor, but she is also the very first Democrat in this century to carry each and every county in this wonderful state as part of her quest. She is the first person to move directly from the legislative office into the corner office since Walter Peterson and what a distinguished bi-partisan career she brings with her. Jeanne Shaheen accomplished in two years, as a member of a tiny minority team, more than most of us can hope to accomplish in all our careers. Governor-elect Shaheen brings with her a gift for every member of this House. That gift is a mandate for bi-partisan achievement in pursuit of the people's business. Every one of us knows that New Hampshire voted for the principle of bi-partisan cooperation when New Hampshire voted for Jeanne Shaheen. Every one of us knows that the people want us to work together in a meaningful way to address the problems of our state. I am pleased to stand here, Madam Chair, and call for the unanimous election of Donna Sytek as Speaker because I know that right now it is the right thing to do. I know, I know that Representative Sytek is committed to a vision of this House as co-equal partner with the Senate and the Governor in the promulgation of public policy. I know because she has said so in so many ways that she loves this institution and all the principles that it stands for. I know she will serve fairly, honoring House process and encouraging public civility in all our efforts. Our new Governor and our new Speaker will work together well. Let this be the beginning of peace and accomplishment for all of us. As our Governor and our new Speaker are both new, so, too, are we in the Democratic Caucus new. We have newly bolstered numbers, bigger than we have been since 1982

and I apologize for those that might take umbrage at that, but it is the truth. We bring to this House 61 new faces. We have a new leadership team. We have a new organization to help make ourselves more effective and productive and we have new enthusiasm, Madam Chair, for working for all the members of this House to make necessary change. We are ready, Madam Chair, to work for the passage of universal kindergarten so that every child in this state can get a fair start in the race for a good education. We are ready, Madam Chair, to work for lower electric rates with environmental protection so that every New Hampshire family can afford to turn on the lights or go looking for a better job without the crippling power costs that we now experience, to work for the passage of a budget that meets the essential needs of our neighbors, our constituents and our state. We Democrats make this pledge as we elect our new Speaker. We will support you whenever possible and we will oppose you whenever necessary. We will behave toward all the members of this House as partners and colleagues ought to behave. We will occasionally disagree, but we will never be disagreeable. We will do everything that we can to ensure that when each day ends nothing will prevent us from waving goodnight to one another and parting as friends. On behalf of our Caucus, I wish everyone good fortune. I wish a very special good fortune and congratulations to Representative Sytek. In conclusion, I ask that you join me now in acclamation for our new Speaker, Representative Donna Sytek.

Chair: The question is on the motion as offered by Rep. Burling and seconded by Rep. Amanda Merrill. Are you ready for the question? All those in favor say Aye. Those opposed, Nay. The Ayes have it. The ballot is cast and the member from Salem, Rep. Donna P. Sytek is the duly-elected Speaker of the 1997-1998 House of Representatives. The Chair requests that Reps. Wheeler and Burling escort Rep. Sytek, Mr. John Sytek and their daughter Mary to the rostrum. Congratulations, Madam Speaker.

### (Speaker Sytek in the Chair)

Rep. Sytek: Thank you all so very much for making this moment possible. Thanks to all of you for being here to vote for me today and to Donnalee and to Neal and to Peter for their kind words. I really appreciate it. Thanks to my family for supporting me and encouraging me, especially my husband John who was the first one who dragged me kicking and screaming into politics. He created a monster. Thanks to our daughter, Mary, who, since first grade, has had to endure a steady diet of politics at our kitchen table. And, thanks to the most surprised person in this Hall today, my mother, whose unconditional love allowed me to grow from a painfully shy schoolgirl to the elected leader of the largest legislative body in this country. Thank you, Mom. I only wish that my father had lived to see this day. Since the caucuses last week, I've been overwhelmed with the outpouring of good wishes from all quarters. You can't imagine how wonderful it has been - from Democrats and Republicans I have served with over the years; from family friends I've known since childhood, from legions of people in all branches of state government; from former governors, and from members of the press and from just plain folks here and at home. I'm off to a wonderful start with all that good will and confidence in my ability to lead. Working together, I'm sure that we can make it last until at least June. A lot has been made here of at least one aspect of today's proceedings. Yes, I am the first woman Speaker. But women have been serving with distinction, doing yeoman duty in this House for years. Caroline Gross, whose picture hangs on the wall in this very Hall, established a standard for Majority Leaders and indeed all legislators, to strive to measure up to. Old timers like me will remember the wisdom of Betty Greene, the wit of Sarah Townsend, the energy of Minnie Carswell and the tenacity of Kay Ward. Really old timers will remember my very first Chairman, Martha Frizzell, who demonstrated that you didn't have to be a lawyer to chair the Judiciary Committee. Of course, there were many more. All of these women blazed the trail for today's milestone. I'm just the first one to cross the threshold and to have the title, Speaker of the House. I know all of you share my optimism about the upcoming session. We will face some difficult issues and we may even find ourselves with differing opinions from time to time. But we shouldn't shrink from debate. The open exchange of ideas strengthens us as members and strengthens the legislative process. It also allows the public to know that their elected officials are mindful of all aspects of an issue. We must never forget that we are here to do the public business, the business of all the people of New Hampshire. We must treat them and each other with respect. During the next session, we will continue the open and fair process that was Speaker Burns' hallmark. We'll also strive to improve communications so that every member is

well-informed and can participate fully in the process. I want every member to have a chance to make a contribution, to leave his or her imprint on our legislative product. While each individual member's voice must be heard, it is also critical that the voice of the whole House has resonance. We will be ready, as a House, to assume our rightful place as an equal with the Senate and equal with the Governor in crafting New Hampshire's future. For almost 20 years, it has been my pleasure to participate in the work of this institution. I'm excited and I'm humbled to have the chance to be your presiding officer. I thank you for this wonderful privilege. I pledge to do my very best so that every one of us can say, "I'm proud to be a member of the New Hampshire House of Representatives." Thank you very much.

### APPOINTMENTS

The Speaker made the following appointments:

Deputy Speaker, Donnalee M. Lozeau.

Speaker Pro Tempore, Channing T. Brown.

Majority Leader, Robert L. Wheeler

Majority Whip, Warren C. Henderson

Democratic Leader, Peter Hoe Burling

Deputy Democratic Leader, Amanda A. Merrill

The Speaker appointed the Committee on Administrative Rules:

Rep. Robert S. Mercer

Rep. Merton S. Dyer

Rep. Lawrence A. Emerton

Rep. Marion L. Copenhaver

Rep. William H. McCann, Jr.

Alternates: Reps. Avis B. Nichols and Miriam D. Dunn.

The Speaker appointed the House members to the Committee on Legislative Facilities:

Rep. Donna Sytek

Rep. Robert L. Wheeler

Rep. Channing T. Brown

Rep. Neal M. Kurk

Rep. Donnalee M. Lozeau

Rep. Peter Hoe Burling

Alternate: Rep. Warren C. Henderson.

### ELECTION OF HOUSE OFFICERS

The Speaker declared nominations were in order for Clerk, Assistant Clerk and Sergeant-at-Arms.

Rep. David Welch placed in nomination the name of Karen O. Wadsworth for Clerk.

Rep. Linda Foster seconded the nomination.

There being no further nominations, the chair declared nominations closed and instructed the Clerk to cast one ballot for Karen O. Wadsworth and declared Karen O. Wadsworth elected Clerk.

Rep. McNamara placed in nomination the name of Leo J. Callahan for Assistant Clerk.

Rep. Wheeler seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Leo J. Callahan and declared Leo J. Callahan elected Assistant Clerk.

Rep. Gene Chandler placed in nomination the name of Rob Johnson for Sergeant-at-Arms.

Rep. Nordgren seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Rob Johnson and declared Rob Johnson elected Sergeant-at-Arms.

### RESOLUTION

Reps. Wheeler and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate it has organized and is ready to meet with the Senate in Joint Convention for the purpose of electing a Secretary of State and a State Treasurer.

Adopted.

**SENATE MESSAGE**

The Senate has met and organized and has elected as its officers: Sen. Joseph L. Delahunty, President; Gloria Randlett, Clerk; Lois Schmelzer, Assistant Clerk; Henry Wilson, Sergeant-at-Arms and Emile Martineau, Doorkeeper.

**SENATE MESSAGE**

The Senate is ready to meet with the House of Representatives for the purpose of electing the Secretary of State and the State Treasurer.

**JOINT CONVENTION****(Speaker Sytek presiding)**

The Chair declared nominations were in order for Secretary of State.

Rep. Teschner placed the name of William M. Gardner in nomination for Secretary of State. Sens. Blaisdell and Barnes seconded the nomination.

There being no further nominations, the Chair declare nominations closed and instructed the Clerk to cast one ballot for Mr. Gardner.

The Chair declared Mr. Gardner duly elected Secretary of State.

The Chair declared nominations were in order for State Treasurer.

Sen. Fraser placed the name of Georgie A. Thomas in nomination for State Treasurer. Rep. Channing Brown seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mrs. Thomas.

The Chair declared Mrs. Thomas duly elected State Treasurer.

Rep. Teschner and Sen. Fraser escorted Mr. Gardner and Mrs. Thomas to the rostrum.

The Chair administered the oath of office to Mr. Gardner, Mrs. Thomas. Ms. Wadsworth, Mr. Callahan and Mr. Johnson.

Mr. Gardner and Mrs. Thomas addressed the Joint Convention.

Sen. Blaisdell and Rep. Wheeler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

Reps. Wheeler and Burling offered the following:

**HOUSE RESOLUTION NO. 1**

RESOLVED, that the House adopt the 1996 session house rules, subject to amendments, and fixing January 30, 1997, as the date through which the house rules may be amended by majority vote.

Rep. Wheeler spoke in favor.

Adopted.

Reps. Wheeler and Burling offered an amendment to House Rules 29 and 65.

**Amendment (0023h)**

Amend house rule 29 to read as follows:

(1) It shall be the duty of the Committee on Commerce[~~Small Business, Consumer Affairs and Economic Development~~] to consider all matters pertaining to commerce, banks and banking institutions; insurance companies and contracts or insurance of any character; the needs of the small business community; all matters relating to consumer affairs and the economic conditions of commerce and industry; all matters relating to the economic development of the state, and such other matters as may be referred to it.

(2) It shall be the duty of the Committee on [~~Constitutional and Statutory Revision~~] *Election Law* to consider all matters [~~concerning the Constitution, including proposed Constitutional Amendments and any proposals for revision of the Constitution; matters~~] relating to the election laws of the state, [~~the repeal or recodification of existing statutes, and other matters relating to the statutes of the State;~~] *including campaign finance, the Ballot Law Commission, and redistricting*, and such other matters as may be referred to it.

(3) It shall be the duty of the Committee on ~~[Corrections and]~~ Criminal Justice *and Public Safety* to consider all matters relating to criminal justice, the Department of Corrections, sentencing, drug enforcement, bail, probation, parole, corrections facilities, DWI, domestic violence, ~~[juveniles and the corrections system]~~ *juvenile delinquency, firearms, fireworks, police and fire training*, and such other matters as may be referred to it.

(4) ~~[It shall be the duty of the Committee on Public Protection and Veterans Affairs to consider all matters affecting public protection including, but not limited to, law enforcement and the training of law enforcement officers; fire safety; emergency management and all matters pertaining to the National Guard and other military or veterans' organizations existing within the state; and such matters as may be referred to it.]~~

It shall be the duty of the Committee on State-Federal Relations *and Veterans Affairs* to consider *all matters pertaining to the National Guard and other military or veterans' organizations within the state, emergency management*, potential actions by the U.S. Congress which will have a major impact on the state and the New England region, and all proposed resolutions petitioning the Congress on any matter; to ~~[develop]~~ *maintain* communication with the congressional delegation; to serve as a liaison between the New Hampshire House and the United States Congress~~[-the New England Legislative Caucus and such other legislative organizations to which state appropriations are made; to consider all interstate compacts and legislation affecting our relations with other states];~~ and such other matters as may be referred to it.

(5) It shall be the duty of the Committee on *Local and Regulated Revenues* to consider all matters relating to *local revenue, including fees, property taxes and exemptions*; the State Liquor Commission and the liquor laws of the state; the State Sweepstakes Commission and the sweepstakes laws of the state; the New Hampshire Pari-Mutuel Commission; and such other matters as may be referred to it.

Replace house rule 65 with the following:

65. Legislative action in the first-year session shall be subject to the following deadlines:

DECEMBER 13, 1996, Friday

Last day for all members to file LSRs, with complete information.

JANUARY 17, 1997, Friday

Last day for sign-off of all bills.

JANUARY 31, 1997, Friday

Last day to introduce all bills.

Rep. Wheeler spoke in favor.

Rep. Hemon requested that the question be divided. The Speaker ruled that the question was divisible.

The question now being the adoption of the portion of the proposed amendment to House Rule 29 relating to the Committee on Constitutional and Statutory Revision.

Rep. Hemon spoke against.

Reps. Holden and Wheeler spoke in favor.

Adopted.

The question now being the adoption of the remainder of the amendment to House Rules 29 and 65.

Adopted.

Reps. Carson and Amanda Merrill offered the following:

### HOUSE RESOLUTION NO. 2

RESOLVED, that the speaker appoint a committee of 3 to assign seats to members.

Adopted.

The Speaker appointed Reps. Wheeler, Henderson and Below.

Reps. Daniels and Drabinowicz offered the following:

### HOUSE RESOLUTION NO. 3

RESOLVED, that the speaker appoint a committee of 3 to select a suitable person to serve as chaplain during the 1997 session of the legislature and to report such selection to the house for consideration.

Adopted.

The Speaker appointed Reps. Wheeler, Channing Brown and Yeaton.

Reps. David Welch and Dunn offered the following:

#### **HOUSE RESOLUTION NO. 4**

RESOLVED, that action taken at all sessions of the house of representatives be recorded on tapes through the public address system, and that the tapes be used by the clerk to confirm and correct the permanent journal. The permanent journal as prepared by the clerk and as may be corrected by the house shall be the official record of the house.  
Adopted.

Reps. Lozeau and Burnham offered the following:

#### **HOUSE RESOLUTION NO. 5**

RESOLVED, that the speaker be authorized to employ such personnel as she deems necessary; and that the compensation of such personnel be fixed by the speaker, with the approval of the house subcommittee of the committee on legislative facilities, in accordance with RSA 17-E:5.  
Adopted.

Reps. Holden and Hall offered the following:

#### **HOUSE RESOLUTION NO. 6**

RESOLVED, that the following policy be established for the distribution of house calendars and journals, bills, and resolutions to the general public, not to include members of the general court and state departments:

1. Every person is entitled, free of charge, to one copy of any publication at the legislative counter, or to have the publication mailed to that person upon individual request for one such copy.

2. Persons requesting copies of all publications for the entire session will be charged a fee sufficient to cover postage, envelopes, and handling. Such fees may be prorated when service is received for portions of the session only. All fees are payable in advance. The subscriber list may be submitted for legislative accounting and auditing purposes, but is not for publication or sale.

3. All fees charged for publications in accordance with this resolution shall be fixed with the approval of the speaker, paid into the state treasury, and credited to the legislative appropriation.  
Adopted.

Reps. Arnold and Turgeon offered the following:

#### **HOUSE RESOLUTION NO. 7**

RESOLVED, that members will be paid their legislative salaries, as provided in the constitution, in the month of January 1997; and that mileage of members of the house be paid every 2 weeks during the session.  
Adopted.

Reps. Guay and Hawkinson offered the following:

#### **HOUSE RESOLUTION NO. 8**

RESOLVED, that the speaker, after consultation with the minority leader, may cancel a scheduled meeting of the house in the event of severe weather which would make it dangerous, in the speaker's opinion, for members to come to Concord for the session, provided the speaker makes notification of such cancellation; and

That any member who travels to Concord, or who is already in Concord on legislative business, on any day that a meeting of the house is canceled under the authority of this resolution, shall be entitled to legislative mileage for such attendance on legislative business.  
Adopted.

#### **RESOLUTION**

Rep. Wheeler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, January 8, 1997 at 1:00 p.m.  
Adopted.

**LATE SESSION****Third reading and final passage**

*HR 1*, relative to adopting the rules of the 1996 session.

*HR 2*, relative to seat assignments.

*HR 3*, relative to selecting a House Chaplain.

*HR 4*, relative to recording House sessions and the permanent journal.

*HR 5*, relative to the Speaker employing personnel per RSA 17-E:5.

*HR 6*, relative to the distribution of House publications.

*HR 7*, relative to legislative salary and mileage payments.

*HR 8*, relative to canceling scheduled meetings of the House during severe weather.

**RECESS MOTION**

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills only.  
Adopted.

The House recessed at 3:15 p.m.

**RECESS****(Speaker Sytek in the Chair)**

The Speaker appointed Standing Committees of the House as follows:

**COMMERCE****REPUBLICANS**

Hunt, John B., Chairman

Carson, Gregory G., Vice Chairman

Gage, Beverly A.

Lindblade, Eric N.

Krueger, Richard H.

Dowd, Sandra K.

Belanger, Ronald J.

Herman, Keith R.

Hurt, George

Mittelman, David T.

Spear, Barbara L.

Tsiros, William

Francoeur, Sheila T.

McGough, Tim S.

**DEMOCRATS**

Syracusa, Anthony

Clark, Martha Fuller

Crosby, Toni M.

McCarthy, William J.

Russell, Ronald G.

Luker, Elsa M.

Reardon, Tara G.

Vachon, Dennis P.

**CRIMINAL JUSTICE & PUBLIC SAFETY****REPUBLICANS**

Welch, David A., Chairman

Christie, Andrew, Jr., Vice Chairman

Lyman, L. Randy

Hunter, Bruce F.

Pepino, Leo P.

Sargent, Maxwell D.

Chase, Paul K., Jr.

MacIntyre, Doris R.

Morrill, Olive B.

Hansen, Herbert R.

Dunham, Vivian L.

Adams, Stephen J.

Flora, Kathleen M.

Mikowski, Walter J.

**DEMOCRATS**

Knowles, William V.

Doucette, Richard F.

Coulombe, Yvonne

Berube, Roger R.

Micklon, Stephanie K.

Cardin, Lori

Schanda, Frank M.

Wiggins, Celestine K.

**EDUCATION****REPUBLICANS**

Belvin, William S., Chairman  
 O'Hearn, Jane E., Vice Chairman  
 Searles, Stanley N., Sr.  
 Durham, Susan B., Clerk  
 Franks, Suzan, L.R.  
 Tufts, J. Arthur  
 Wright, George W.  
 Marcinkowski, Michael F.  
 Hill, Richard L.  
 Luebker, Bernard J.  
 Colburn, Kathleen A.  
 Dearborn, Bruce L.  
 Larrabee, David E.  
 Weber, Phil A.

**DEMOCRATS**

Guest, Robert H.  
 Riley, William A.  
 Yeaton, Charles B.  
 Champagne, Richard L.  
 Snyder, Clair A.  
 Jean, Claudette R.  
 Pelletier, Arthur J.  
 Estabrook, Iris W.

**ELECTION LAW****REPUBLICANS**

Arndt, Janet S., Chairman  
 Arnold, Thomas I., Jr., Vice Chairman  
 Flanagan, Natalie S., Chairman Emeritus  
 Torr, Ann M.  
 Horton, Lynn C.  
 Dube, LeRoy S.  
 Langley, Jane S.  
 Hart, Nick  
 Stritch, Charles D.  
 Boutin, David R.  
 Gibbons, Paul A.  
 Krueger, Patricia  
 Root, John M.

**DEMOCRATS**

Buckley, Raymond C., III  
 Clemons, Jane A.  
 Hilliard, Dana S.  
 Brown, George F.  
 Foster, Joseph A.  
 Almy, Susan W.  
 McDonald, James H., Sr.  
 Weatherspoon, Jackie K.

**ENVIRONMENT & AGRICULTURE****REPUBLICANS**

Musler, George T., Chairman  
 Trelfa, Richard T., Vice Chairman  
 Messier, Irene M.  
 Pratt, Leighton C.  
 Aranda, M. Kathryn  
 McRae, Karen K.  
 Philbrick, Donald R.  
 Babson, David L., Jr.  
 Davis, Perley E.  
 Phinney, William R.  
 Alger, John, R.M.  
 Leishman, Peter R.  
 Marshall, Kenneth R.

**DEMOCRATS**

Hall, Betty B.  
 Owen, Derek  
 Melcher, Harold P.  
 Callaghan, Frank D.  
 Meader, David R.  
 Brennan, William P.  
 Clemons, Kevin J.  
 Heath, John B.

**EXECUTIVE DEPARTMENTS & ADMINISTRATION****REPUBLICANS**

Mercer, Robert S., Chairman  
 Dyer, Merton S., Vice Chairman  
 Goulet, Maurice E.  
 Dickinson, Howard C., Jr.  
 Beaulieu, Jon P.  
 Langer, Ray F.  
 Moore, Benjamin E.  
 Holley, Sylvia A.  
 Cooper, Kipp A.  
 Dodge, Robert K.  
 Steere, Myron S., III  
 Peterson, Andrew R.  
 Pilliod, James P.  
 Stickney, Nancy C.

**DEMOCRATS**

Asselin, Robert P.  
 Dunn, Miriam D.  
 Robertson, Timothy N.  
 Murphy, Robert E.  
 Gosselin, Gerald O.  
 Reidy, Frank J.  
 Drabinowicz, A. Theresa  
 Gile, Mary Stuart

**FINANCE****REPUBLICANS**

Kurk, Neal M., Chairman  
 Torr, Franklin G., Vice Chairman  
 Holbrook, Robert G.  
 Johnson, Robert A.  
 Nichols, Avis B.  
 Klemm, Arthur P., Jr.  
 Weyler, Kenneth L.  
 Riley, Frances L.  
 Chandler, Earle W.  
 Alukonis, David J.  
 Dowling, Patricia A.  
 Sullens, Joan C.  
 Brown, Mary E.  
 Camm, Kevin L.  
 Feng, David S.  
 Thulander, O. Alan

**DEMOCRATS**

Wallner, Mary Jane  
 Lynch, Margaret A.  
 Vaughn, Charles L.  
 Hawkinson, Marie C.  
 Nordgren, Sharon L.  
 Allen, W. Gordon  
 Cote, David E.  
 DeStefano, Stephen T.  
 Dwyer, Paul J., Sr.

**HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS****REPUBLICANS**

Emerton, Lawrence A., Chairman  
 Ziegra, Alice S., Vice Chairman  
 Foster, Robert W., Chairman Emeritus  
 Ferguson, Charles W.  
 Amidon, Eleanor H.  
 Chabot, Robert F.  
 Morello, Michael  
 Manning, Joseph P.  
 Case, Margaret A.  
 Perkins, Paul R.  
 Batula, Peter L.  
 Boyce, Robert K.  
 Dawe, Eileen P.  
 Guthrie, Joseph A.

**DEMOCRATS**

Copenhaver, Marion L.  
 Kane, Cecelia D.  
 Haettenschwiller, Alphonse A.  
 Moore, Carol F.  
 Burnham, Daniel M.  
 O'Keefe, Patricia M.  
 French, Barbara C.  
 Donovan, Thomas E.

**JUDICIARY & FAMILY LAW****REPUBLICANS**

McCarthy, John J., Chairman  
Woods, Deborah L., Vice Chairman  
Jacobson, Alf E.  
Keans, Sandra B.  
Holden, Carol H.  
Battles, Marjorie H.  
Brown, Julie M.  
Letendre, Evelyn L.  
Mirski, Paul M.  
Clay, Susan J.  
Bickford, David A.  
Colburn, Thomas M.  
Reardon, Neil J.  
Smith, Kevin H.

**DEMOCRATS**

Wall, Janet G.  
Allison, David C.  
Johnson, Lionel W.  
Pratt, Irene A.  
Richardson, Barbara Hull  
McGovern, Cynthia A.  
Moynihan, Wayne T.  
Smith, Marjorie K.

**LABOR, INDUSTRIAL & REHABILITATIVE SERVICES****REPUBLICANS**

Daniels, Gary L., Chairman  
Turner, Robert H., Vice Chairman  
McNamara, Wanda G.  
Clegg, Robert E., Jr.  
Kenney, Joseph D.  
Guaraldi, Lawrence V.  
Bishop, Franklin C.  
Burke, M. Virginia  
Dolan, Richard E.  
Christiansen, Lars T.  
Lavoie, Gerard H.  
Maxfield, Roy D.  
Murch, George D., III

**DEMOCRATS**

Mears, Edgar H.  
Palmer, Lorraine R.  
Kelley, Jane P.  
Baroody, Benjamin C.  
Hutchinson, Rebecca C.  
Seldin, Gloria  
Welch, Donald D.

**LEGISLATIVE ADMINISTRATION****REPUBLICANS**

Brown, Channing T., Chairman  
Hager, Elizabeth S., Vice Chairman  
Wheeler, Robert L.  
Lozeau, Donnalee  
Henderson, Warren C.  
Torr, Ann M.  
Holden, Carol H.  
Carson, Gregory G.  
Pfaff, Terence R.  
Malcolm, Kenneth W.  
Amidon, Eleanor H.  
Jean, Loren J.  
Nowe, Ronald J.

**DEMOCRATS**

Burling, Peter Hoe  
Merrill, Amanda A.  
DePecol, Benjamin J.  
McCann, William H., Jr.  
Cushing, Robert R.  
Gage, Ruth E.  
Pelletier, Marsha L.

**LOCAL & REGULATED REVENUES****REPUBLICANS**

Hess, David W., Chairman  
 Teschner, Douglass P., Vice Chairman  
 Kelley, Robert N., Div. Chief, Regulated Revenues  
 Noyes, Richard, Div. Chief, Local Revenues  
 Lawton, Robert M.  
 Katsakiores, Phyllis M.  
 McKinney, Betsy  
 Desrosiers, William J.  
 Avery, Stephen G.  
 Flanders, David A.  
 Eaton, Stephanie  
 Lovejoy, Marian E.  
 Carney, Lauren  
 Piteri, Dawn C.

**DEMOCRATS**

Pantelakos, Laura C.  
 Vincent, Francis C.  
 Lundborn, Raymond A.  
 Foster, Linda T.  
 Coes, Betsy A.  
 Wallin, Jean R.  
 Burney, Carol T.  
 O'Connell, John J.

**MUNICIPAL & COUNTY GOVERNMENT****REPUBLICANS**

Metzger, Katherine H., Chairman  
 Patten, Betsey L., Vice Chairman  
 Golden, Paul A.  
 Cote, Patricia L.  
 Lockwood, Robert A.  
 Rice, Thomas E.P., Jr.  
 Fesh, Robert M.  
 Flint, Gordon B.  
 Stone, Joseph E.  
 Brundige, Robert W.  
 Sabella, Norma A.  
 Dokmo, Cynthia J.  
 Anderson, Eric  
 Griffin, Mary E.  
 Leone, Richard C.

**DEMOCRATS**

Daneault, Gabriel J.  
 Lefebvre, Roland J.  
 Fraser, Marilyn A.  
 McGuirk, Paul A.  
 Salatiello, Thomas B.  
 Taylor, Kathleen N.  
 Vogl, John A.

**PUBLIC WORKS & HIGHWAYS****REPUBLICANS**

Chandler, Gene G., Chairman  
 Calawa, Leon, Jr., Vice Chairman  
 LaMott, Paul I.  
 Whittemore, James A.  
 Schotanus, Merle W.  
 Merrill, Gerald P.  
 LaRose, Richard J.  
 Gleason, John P.  
 McCarty, Winston H.  
 Raynowska, Bernard J.  
 McKinley, Robert E.  
 Leber, William E.  
 Tholl, John E., Jr.  
 Verani, Giovanni M.

**DEMOCRATS**

Rogers, Katherine D.  
 Cloutier, John R.  
 DeChane, Marlene M.  
 Sullivan, Henry P.  
 Daigle, Robert A.  
 O'Rourke, Thomas F.  
 D'Allesandro, Lou  
 Vaillancourt, Steve

**RESOURCES, RECREATION & DEVELOPMENT****REPUBLICANS**

Royce, H. Charles, Chairman  
 Whalley, Michael D., Vice Chairman  
 Feuerstein, Martin  
 Williams, William E., Jr.  
 Laflam, Robert J.  
 Lawton, David M.  
 Adler, Rudolf A.  
 Jean, Loren J.  
 Crowell, Peter O.  
 St. Hilaire, Paul E.  
 Cooney, Richard T.  
 Kibbey, David D.

**DEMOCRATS**

Merritt, Deborah F.  
 Martin, Mary Ellen  
 Bradley, Paula E.  
 Lovett, Sidney  
 Blanchard, Mary Ann N.  
 Downing, Michael W.  
 Williams, Carol A.

**RULES****REPUBLICANS**

Sytek, Donna, Chairman  
 Lozeau, Donnalee, Vice Chairman  
 Brown, Channing T.  
 Wheeler, Robert L.  
 Henderson, Warren C.  
 Torr, Ann M.  
 Chandler, Gene G.  
 Flanders, John W., Sr.  
 Kurk, Neal M.  
 Foster, Robert W.

**DEMOCRATS**

Burling, Peter Hoe  
 Merrill, Amanda A.  
 Hall, Betty B.  
 Cote, David E.  
 McGuirk, Paul A.

**SCIENCE, TECHNOLOGY & ENERGY****REPUBLICANS**

Bradley, Jeb E., Chairman  
 Guay, Lawrence J., Vice Chairman  
 Rosen, Ralph J.  
 Holt, David B.  
 Ham, Bonnie D.  
 Howard, Godfrey G.  
 Lamach, Bernard D.  
 MacGillivray, Jeffrey C.  
 Thomas, John H.  
 White, Donald B.  
 Connolly, Steven J.  
 Frechette, Joseph G.  
 Hoadley, Elizabeth K.  
 Major, Norman L.

**DEMOCRATS**

Below, Clifton C.  
 Grassie, Anne C.  
 Bonneau, Sarah K.  
 Lynde, Harold V.  
 Ginsburg, Ruth  
 Norelli, Terie T.  
 White, Jay T.

**INDEPENDENT**

Kaen, Naida L.

**STATE-FEDERAL RELATIONS & VETERANS AFFAIRS****REPUBLICANS**

Smith, Edwin O., Chairman  
 Gagnon, Eugene L., Vice Chairman  
 Simmons, John Anthony  
 Pfaff, Terence R.  
 Fields, Dennis H.  
 MacDonald, Kenneth J.  
 Fenton, James J.  
 Rubin, George R.  
 Morris, Debbie L.  
 Varrell, Thomas A.  
 Cobbin, Philip T.  
 Bergin, Peter F.  
 Briefs, Geoffrey C.  
 Clark, Charles L.  
 Golding, William M.

**DEMOCRATS**

DePecol, Benjamin J.  
 Ameen, W. Thomas  
 Barry, William H., III  
 Lynott, Margaret E.  
 MacAuslan, Rita G.  
 Pratt, John M.  
 St. Cyr, Gerard L.

**TRANSPORTATION****REPUBLICANS**

Packard, Sherman A., Chairman  
 Flanders, John W., Sr., Vice Chairman  
 Katsakiores, George N., Chairman Emeritus  
 Malcolm, Kenneth W.  
 Bartlett, Gordon E.  
 Milligan, Robert H.  
 Boriso, Thomas J.  
 Kobel, Rudolph J.  
 Taylor, Paul W.  
 Langone, John S.  
 Letourneau, Robert J.  
 Millard, Ralph H.  
 Veazey, John A.

**DEMOCRATS**

Turgeon, Roland M.  
 Cote, Peter R.  
 Ackerman, Philip M.  
 Ferland, Brenda L.  
 Haley, Robert J.  
 Kelly, Michael  
 Leonard, Peter F.

**INDEPENDENT**

Akins, Ralph

**WILDLIFE & MARINE RESOURCES****REPUBLICANS**

Mock, Henry P., Chairman  
 Felch, Charles H., Sr., Vice Chairman  
 L'Heureux, Robert  
 MacNeil, Allen K., Clerk  
 Nowe, Ronald J.  
 Torr, Ralph W.  
 Dunlap, Patricia C.  
 Lessard, Rudy  
 Carlson, Donald  
 Cegelis, Mark A.  
 Hinman, Harry T.

**DEMOCRATS**

Coulombe, Henry W.  
 Abbott, Dennis F.  
 Hemon, Roland E.  
 Rogers, Rose Marie  
 Bernier, Shannon L.  
 Rollo, Michael S.  
 Twardus, Joseph R.

**APPOINTMENTS**

The Speaker appointed Rep. Holden as Assistant Majority Leader and as Assistant to the Speaker for House Continuing Education; Rep. Carson as Assistant Majority Leader and as Assistant to the Speaker on House Technology Needs; and Rep. David Welch as Assistant Majority Leader.

The Democratic Leader appointed Reps. Knowles, Nordgren, McGuirk and Fuller Clark as Assistant Democratic Leaders.

**RECESS**

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 2

Wednesday, January 8, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Rep. Eric Lindblade.

Eternal God, before whose face the generations rise and pass away, grant to us in our generation to build upon the riches of the past, that we fail not man nor Thee. May our decisions result in wise laws that will stand the test of time. May those who will lead us in the months to come - our Speaker, Donna Sytek and her staff, the Minority Leader, Peter Burling and his associates, be blessed with clarity of vision, that they may chart a course for the bettering of our state and its people. Our opportunities will be many; make us bold to take them. Amen.

Rep. Channing Brown led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Barry, Patricia Cote, Henry Coulombe, Yvonne Coulombe, Flint, Hart, Lockwood, Lundborn and Marsha Pelletier, the day, important business.

Rep. Ginsburg, the day, illness in the family.

### INTRODUCTION OF GUESTS

Cub Scout Pack 262 from Windham, N. H. and their leaders, guests of the Windham delegation. Patricia A. Holmes, guest of Rep. DeChane. Marjorie Leber, wife of Rep. Leber. Former N. H. Rep. John Gibson, guest of Reps. Weber and Cobbin. Former N. H. Rep. Donna Soucy, guest of Rep. Buckley. Hazel Holbrook, wife of Rep. Holbrook.

### COMMUNICATION

December 18, 1996

Karen Wadsworth, Clerk of the House

This is to advise you that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Coos 7, Paul St. Hilaire, r, Berlin (404 Church Street) 03570

Grafton 10, Robert H. Guest, d, Hanover (8 Barrett Road) 03570

Grafton 11, Philip Cobbin, r&d, Canaan (RR 2, Box 918B) 03741

Grafton 14, Susan W. Almy, d, Lebanon (266 Poverty Lane) 03766

Merrimack 19, Carol Moore, d, Concord (38 ½ Spring Street) 03301

Rockingham 26, Beverly A. Gage, r, Salem (69 Salem Street) 03079

Karen H. Ladd, Assistant Secretary of State

### RESOLUTION

Reps. Wheeler and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council.

Adopted.

### RECESS

### SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council.

### JOINT CONVENTION

(Speaker Sytek presiding)

### RESOLUTION

Rep. Wheeler and Sen. Barnes offered the following:

RESOLVED, that the Honorable Deputy Secretary of State be requested to lay before the Convention the return votes for Governor and Executive Council.

Adopted.

Robert P. Ambrose, Deputy Secretary of State, appeared before the Joint Convention and laid before the Joint Convention the return of votes for Governor and Executive Councilors cast in the General Election held November 5, 1996 as follows:

### FOR GOVERNOR

|              | Shaheen, d   | Lamontagne, r | Bramante, i | Kingsbury, l |
|--------------|--------------|---------------|-------------|--------------|
| Belknap      | 12,904       | 9,991         | 344         | 262          |
| Carroll      | 10,605       | 9,506         | 337         | 229          |
| Cheshire     | 18,265       | 9,808         | 899         | 398          |
| Coos         | 7,005        | 6,226         | 24          | 198          |
| Grafton      | 19,725       | 13,551        | 558         | 439          |
| Hillsborough | 77,894       | 63,612        | 2,509       | 1,739        |
| Merrimack    | 35,835       | 19,264        | 1,016       | 570          |
| Rockingham   | 63,882       | 44,554        | 3,193       | 1,336        |
| Strafford    | 28,340       | 13,200        | 910         | 526          |
| Sullivan     | <u>9,676</u> | <u>6,566</u>  | <u>303</u>  | <u>247</u>   |
| TOTALS       | 284,131      | 196,278       | 10,316      | 5,944        |

C. Jeanne Shaheen, having a plurality of votes was elected.

### FOR EXECUTIVE COUNCILORS

#### First District

|                      |              |
|----------------------|--------------|
| Raymond S. Burton, r | 62,927       |
| Michael J. Cryans, d | 30,361       |
| Peter Gamble, l      | <u>5,322</u> |
| Plurality for Burton | 32,566       |

#### Second District

|                         |              |
|-------------------------|--------------|
| Peter J. Spaulding, r   | 47,539       |
| Charles W. Chandler, d  | 36,743       |
| Joan McKernan, n,l      | <u>8,461</u> |
| Plurality for Spaulding | 10,796       |

#### Third District

|                       |               |
|-----------------------|---------------|
| Ruth L. Griffin, r    | 55,593        |
| Bill Verge, d         | <u>39,778</u> |
| Plurality for Griffin | 15,815        |

#### Fourth District

|                        |               |
|------------------------|---------------|
| James Normand, d       | 43,234        |
| Earl A. Rinker, III, r | <u>42,599</u> |
| Plurality for Normand  | 635           |

#### Fifth District

|                               |        |
|-------------------------------|--------|
| Bernard A. Streeter, Jr., r&d | 79,497 |
|-------------------------------|--------|

### RESOLUTION

Rep. Burling and Sen. King offered the following:

RESOLVED, that the vote for Governor and Council be referred to a committee consisting of two on the part of the Senate and three on the part of the House to compare and count the same and report thereon.

Adopted.

The Chair appointed Reps. LaMott, Copenhaver and Flanagan and Sens. Blaisdell and Podles.

Sen. Barnes and Rep. Wheeler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

## RECESS

## (Speaker Sytek in the Chair)

## REMARKS

Speaker Sytek addressed the House.

Rep. Burling moved that the remarks made by Speaker Sytek be printed in the Journal.

Adopted.

Speaker Sytek: Now that we have the Joint Convention out of the way, I'd like to welcome you to the convening session of the 1997 - 1998 New Hampshire House of Representatives. As your Speaker, it is my job to help you make the most of your public service as a member of this House. I approach this task with great enthusiasm. I'm sure you have noticed some changes over the past few weeks. We've got new committee assignments, new committee chairmen and a new leadership team on both sides of the aisle. We've moved offices, seats and, yes, parking spaces. The dust is starting to settle now and it's time to get down to business. This is an exciting time to be part of our New Hampshire House. Our part of the decision-making process will be especially important during the next two years. Among other things, the House is the peoples' insurance policy against a government that wants to go too far or do too much. We have good judgment and common sense and we will need both in the months to come. Our priorities for the House are in many ways dictated by our responsibility to separate what would be nice to do from what we should and can afford to do. It's no secret that there is a pent-up demand in state government for new spending and some think that the time might be right for high-priced new programs. It is no fun to be constrained on what we will support by what we can afford, but that is the right thing to do. So be prepared to resist ideas that may sound wonderful but come with a big price tag and no money. This doesn't mean we won't consider new initiatives. The people who elected us want us to spend our time being honest and thoughtful and fair to every individual group and idea. We'll address a wide variety of policy issues, too, some old and some new. We should use our instincts as our guide in reviewing these issues. No matter what the idea is and where it comes from, we should always ask ourselves these questions: Would this be a good thing for New Hampshire? Should government do it? Is it the best way to do it? Can we afford it? I believe a Speaker should be a help to every House member in giving them the opportunity to play a meaningful role in the governing process and to get the support they need to succeed in doing good work to let the people back home know about it and we are already working to meet that goal. First, we will be establishing a new position to help you serve your district better. Our very capable staffer, Carol Dunning, who was formerly with the majority office, is now the Director of House Member Services. So, when you get those phone calls from folks with a question or a concern or even a gripe about state government or you don't know where to go for information, you don't know exactly what to do or say, contact Carol and she will help steer you in the right direction. Her office will be on the third floor in the State House. Also, under the heading of House Member Services I want to introduce our new House Information Officer, Susan Wood. Susan is new to state government but she is an experienced reporter from the Sea Coast. She knows about our commitment to serve our members and the public and she is going to help us get our message out to the voters making us more accountable to the people who sent us here to represent them. The leadership team and I will keep our pledge to communicate openly and frequently with members too. To encourage the interaction and communication, we've moved the Finance Committee to offices in the Legislative Office Building. For the first time all House committees will be meeting under the same roof. The better we work together the more good work we can do and starting next week, I am going to maintain a small branch office of the Speaker's office over in the LOB. I'll be in room 300A in order to be even more accessible to you, the members. In the weeks to come, we are going to be tackling hundreds of bills on every issue under the sun. It is my hope that we can agree to commit ourselves to keep this a House whose hallmarks are respect and civility. A House which makes responsible decisions and is accountable for them and which places the needs of the average citizen above any special interest. The House is the most tangible link between the people and their government. That is why we are called their representatives. We must remember that this isn't our House. It is the peoples' House. More often than not, our jobs won't be the fancy speeches. It will be the important but sometimes tedious detail work, the heavy lifting, but we are ready. The House has done that for generations. So let's get to work.

## SENATE MESSAGE

Lois Smelzer has resigned as the Assistant Senate Clerk. The new Assistant Clerk is Tammy Wright.

## AMENDMENT TO HOUSE RULES

Rep. Wheeler moved that the House Rules be amended as offered by the Rules Committee.

### Amendment (0025h)

## DUTIES OF THE SPEAKER

1. The Speaker shall take the chair at precisely the hour to which the House has adjourned [~~He~~, ~~and~~ shall immediately call the members to order [~~and they~~]. *Members* shall take their seats [~~The members~~] ~~and~~ shall activate their voting stations [~~as soon as they take their seats;~~] *immediately*. When they leave their seats for any reason they shall deactivate their stations.
2. The Speaker shall preserve decorum and order, [~~and~~] may speak on points of order in preference to other members, and shall decide questions of order, subject to an appeal to the House by any [~~two members~~] *member*. The appeal shall be decided by a majority vote of those members present and voting.
3. The Speaker shall appoint all committees unless otherwise directed by the House, subject to the provisions of Rule [27] 28.
4. The Speaker shall refer [~~to the appropriate committees~~] all bills, resolutions, memorials, petitions, accounts, and other matters coming before the House *to the appropriate committees*, unless otherwise ordered by the House. Upon recommendation of the Committee on Rules, the Speaker may refer the same jointly to two committees or to a special committee.
5. The Speaker shall not be called on to vote unless [~~his~~] *the* vote would be decisive. If the vote is tied after the Speaker has voted, the question shall be lost as provided in Rule [22] 23.
6. The Speaker shall sign all bills, resolutions, and addresses after passage. All warrants, subpoenas and other processes issued by order of the House shall be signed by the Speaker and attested to by the Clerk.
7. The Speaker or chairman of the committee of the whole House shall have the power to order the gallery cleared in cases of any disturbance or disorderly conduct.
8. [~~(a) The following persons shall be admitted within the door of the Representatives' chamber while the House is in session: House members and officers, the Governor, Council members, Senate members, the Secretary of State, the Treasurer, and the Senate Clerks.~~  
(b) No other person shall be admitted within the door of the Representatives' chamber except with the permission of the Chair.  
(c) No lobbyist, department head or other non-member who is closely connected with legislation pending before the House shall be permitted on the floor of the House or in the House Sergeant-at-Arms area while the House is in session.]  
*The Speaker shall sign all bills after enrollment in both bodies.*
9. The Speaker shall have power to substitute any member to perform the duties of the Chair. If [~~the Speaker is~~] absent, [~~he~~] *the Speaker* shall designate a member to perform the duties of the Chair unless otherwise ordered by the House.

## DECORUM AND DEBATE

10. In all cases not provided for by the Constitution, House Rules or Joint Rules, "Mason's Manual of Legislative Procedure," 1989 Edition, shall be referred to as the [~~primary~~] *parliamentary* guide.
11. When any member is about to speak in debate, make a motion, or deliver any matter to the House, [~~he~~] *the member* shall rise from his *or her* seat and respectfully address the Speaker, declaring the purpose for which [~~he~~] *the member* rises to speak.
12. In all cases the member rising first shall speak first. When two or more members rise at the same time, the Speaker shall name the person to speak. When many members choose to speak, they may file their names with the Clerk, who shall supply the list to the Speaker. The Speaker shall name the order in which the members shall speak.
13. No member shall speak more than twice on the same question without [~~leave of~~] *permission from* the House. No member shall speak more than once until every member choosing to speak has spoken.

14. While the Speaker is putting a question or addressing the House, no one shall walk out of or across the House. While a member is speaking, no one shall pass between ~~[him]~~ *that member* and the *other* members of the House, nor shall anyone ~~[entertain]~~ *engage in* private conversation.

15. If any member transgresses the rules of the House, the Speaker shall, or any member may, call ~~[him]~~ *the member* to order. The member called to order shall immediately sit down and the question of order shall be distinctly stated from the Chair. The decision of the Speaker on the question of order shall be conclusive unless the decision is immediately appealed to the House. The House shall decide the appeal by a majority vote of those members present and voting.

16. In all instances, every member shall act in conformance with the duly adopted New Hampshire General Court Ethics Guidelines ~~[and Procedures]~~ and opinions of the Legislative Ethics Committee.

17. (a) *The following persons shall be admitted within the door of the Representatives' chamber while the House is in session: House members and officers, the Governor, Council members, Senate members, the Secretary of State, the Treasurer, and the Senate Clerks.*

(b) *No other person shall be admitted within the door of the Representatives' chamber or anteroom while the House is in session, except with the permission of the Chair.*

~~[17]~~18. Before any petition is received and read, the substance of the petition shall be in concise form, and the name of the member or person presenting it and ~~[his]~~ *the member's* district shall be recorded on the petition. The Speaker shall state the substance of the petition.

~~[18]~~19. After a motion is stated by the Speaker, it shall be in possession of the House, but may be withdrawn at any time before an amendment.

~~[19]~~20. (a) When any question is under debate, ~~[no motion shall be received, but first]~~ *precedence of motions shall be as follows:*

(1) to adjourn; ~~[second:]~~

(2) to lay on the table; ~~[third:]~~

(3) for the previous question; ~~[fourth:]~~

(4) to postpone to a certain day; ~~[fifth:]~~

(5) to commit; ~~[sixth:]~~

(6) to amend; ~~[seventh:]~~

(7) to postpone indefinitely. ~~[These motions shall have precedence in order in which they are listed.]~~

Motions to adjourn, to lay on the table, for the previous question, and to take from the table shall be decided without debate. A motion to postpone to a certain day shall be debatable both as to time and subject matter.

(b) No vote on a motion to lay on the table a Constitutional Amendment Concurrent Resolution shall pass unless approved by an affirmative vote of three-fifths of the entire House membership.

~~[(b)]~~(c) When a question is postponed indefinitely, it shall not be acted on during the same session, unless two-thirds of those members present and voting vote in favor thereof.

~~[(c)]~~(d) On a motion to amend, the refusal by the maker of the amendment to strike out words shall neither preclude amendment to such words nor a motion to strike out and insert.

~~[(d)]~~(e) A motion for commitment shall preclude all amendments to the main question until it is decided; and all motions and reports may be committed at the pleasure of the House.

~~[(e)]~~(f) No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

~~[20]~~21.(a) The Speaker shall put the previous question in the following form: "Shall ~~[the main question now be put]~~ *debate now be limited?*" and all debate on the main question shall be suspended until the previous question has been decided. After the adoption of the previous question, the sense of the House shall forthwith be taken on pending amendments, in their regular order, and then on the main question. The motion for the previous question shall not be put unless demanded by three members.

(b) All incidental questions of order arising after a motion of the previous question and related to the subjects affected by the order of the previous question shall be decided without debate.

(c) If the previous question is decided in the negative, it shall not again be in order for the particular question under consideration until after adjournment, but the main question shall be left before the House and disposed of as though the previous question had not been put.

~~[21]~~22.(a) There shall be three forms of putting the question: voice vote, division vote, roll call vote. No member shall vote in any case when the member was not present when the question was put.

(b) The question put by voice vote shall be: "All those in favor of the question say 'aye,'" and after the affirmative vote is expressed, "Those of a contrary opinion say 'no.'"

(c) A division vote shall be taken if the Speaker doubts the voice vote or if a member calls for a division vote. When a division of the House is taken, the Speaker may appoint a teller for each seating division of the House, who shall report to the Chair the state of the vote.

(d) A roll call shall be taken when a member moves for a roll call vote and that motion is seconded by ten other members. The member requesting the roll call vote and the ten members who second the motion shall notify the speaker in writing or shall rise from their seats or otherwise be recognized by the Speaker.

(e) When a division or a roll call is taken, the Speaker shall put the question and open the voting stations for not more than 30 seconds. Each member present at his *or her* voting station shall press either the YES/Green or NO/Red button unless excused by the House for a special reason. ~~[When the Speaker closes]~~ *After closing* the vote, ~~[he]~~ *the Speaker* shall rise and state the decision of the House.

(f) Any member may call for a division of the question when the sense will admit it.

~~[22]~~23. In case of a tie vote, the question shall be lost.

~~[23]~~24. No member shall leave his *or her* seat while the voting machine is in use and until the Speaker announces the result of the vote.

~~[24]~~25.(a) No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side while the bill or resolution is in the possession of the House. Reconsideration of any bills subject to a transfer date established by joint rules must be acted upon on or before the joint rule deadline, and thereafter shall be null and void.

(b) Notice of a motion for reconsideration shall be in order only until noon on the next business day after the date that the vote was taken.

(c) Any such notice of reconsideration shall be effective for two legislative days only and thereafter shall be null and void.

(d) The day when notice is served shall be counted as the first legislative day, even if notice occurs while the House is in recess or adjournment.

(e) When notice of reconsideration is received by the House, the Clerk of the House shall hold the bill or resolution relative to which such notice has been served until the expiration of the time within which such notice is effective.

~~[25]~~26. When the reading of a paper or a document is objected to by a member, the question shall be determined by a vote of the House without debate.

~~[26]~~27. ~~[Each member]~~ *All members* shall seasonably and punctually attend to ~~[his duty]~~ *their duties* in the House or committee, and no one shall be absent from the service of the House or committee unless ~~[he]~~ *the member* has leave, or is sick and unable to attend.

## COMMITTEES AND THEIR DUTIES

~~[27]~~28. The membership on all standing committees of the House shall be divided between the two major political parties in the same proportion that the House membership of the majority party bears to the House membership of the minority party. No member shall serve on more than two standing policy committees; membership on the Rules Committee shall not be included for purposes of this calculation. The appointments to committees for the majority party shall be made by the Speaker and appointments to committees for the minority party shall be made by the Speaker with the advice of the duly appointed minority party ~~[floor]~~ leader. Notwithstanding the provisions of this rule, the Speaker and the minority party ~~[floor]~~ leader may agree on a different proportion for the membership of any particular committee.

~~[28]~~29. Participation on a committee by any member shall be in accordance with the New Hampshire General Court Ethics Guidelines ~~[and Procedures authorizing the member to be replaced or substituted by the Speaker if they determine a conflict]~~. If a member chooses not to participate in a committee under the New Hampshire General Court Ethics Guidelines ~~[and Procedures]~~, the Speaker may substitute another member ~~[in his place]~~.

~~[29]~~30. The following standing policy committees shall be appointed at the commencement of any session and will consist of not more than 22 members, except the Committee on Finance will consist of not more than 29 members: Commerce; Criminal Justice and Public Safety; Education; Election Law; Environment and Agriculture; Executive Departments and Administration; Finance;

Health, Human Services and Elderly Affairs; Judiciary and Family Law; Labor, Industrial and Rehabilitative Services; Legislative Administration; Local and Regulated Revenues; Municipal and County Government; Public Works and Highways; Resources, Recreation and Development; Rules; Science, Technology and Energy; State-Federal Relations and Veterans Affairs; Transportation; and Wildlife and Marine Resources. ~~[The Speaker shall be a member of the Committee on Rules.]~~

(a) It shall be the duty of the Committee on Commerce to consider all matters pertaining to commerce, banks and banking institutions; insurance companies and contracts or insurance of any character; the needs of the business community; all matters relating to consumer affairs and the economic conditions of commerce and industry; all matters relating to the economic development of the state, and such other matters as may be referred to it.

(b) It shall be the duty of the Committee on Criminal Justice and Public Safety to consider all matters relating to criminal justice, the Department of Corrections, sentencing, drug enforcement, bail, probation, parole, corrections facilities, DWI, domestic violence, juvenile delinquency, firearms, fireworks, police and fire training, and such other matters as may be referred to it.

(c) It shall be the duty of the Committee on Education to consider subjects relating to the regulation of school districts and schools; the postsecondary college system; the University System of New Hampshire; matters concerning education; and such other matters as may be referred to it.

(d) It shall be the duty of the Committee on Election Law to consider all matters relating to the election laws of the state, including campaign finance, the Ballot Law Commission, and redistricting, and such other matters as may be referred to it.

(e) It shall be the duty of the Committee on Environment and Agriculture to consider all matters concerning agricultural and farm problems of the state, physical land use including current use, the various agricultural organizations, the protection of the state's environment from forms of pollution other than air or water pollution, waste management issues, and such other matters as may be referred to it.

(f) It shall be the duty of the Committee on Executive Departments and Administration to consider matters pertaining to the general administration of state laws and changes therein; matters of policy pertaining to the executive departments; matters relating to the New Hampshire Retirement System; professional licensing; and such other matters as may be referred to it.

(g) It shall be the duty of the Committee on Finance to examine and consider the state of the treasury; to consider the budget, subjects concerning the financial interest of the state, all measures carrying appropriations of state money, except claims against the state; all bills and resolutions relating to raising money by a state tax and the apportionment of same and all other methods for raising revenue for the state, and such other matters as may be referred to it. Prior to the report of the Finance Committee to the House, the Speaker may refer the budget of certain self-sustaining state agencies to appropriate committees for study and recommendation. The Committee on Finance shall report to the house in the form of a resolution its estimates of state revenues on a periodic basis.

(h) It shall be the duty of the Committee on Health, Human Services and Elderly Affairs to consider all matters concerning the health of the inhabitants of the state; vital statistics; medical and related professions; the administration of welfare activities by the state government; matters relating to the special needs of our elderly citizens and such other matters as may be referred to it.

(i) It shall be the duty of the Committee on Judiciary and Family Law to consider all matters relating to the judicial system, right-to-know law, divorce, custody and child support, guardianships, life and death (such as abortion or assisted death), landlord/tenant rights, civil proceedings, tort law, forfeiture, victims' assistance, immunity, probate; children and youth and their rights, obligations and protection; and such other matters as may be referred to it.

(j) It shall be the duty of the Committee on Labor, Industrial and Rehabilitative Services to consider all matters relating to labor, wages, and workers' compensation including unemployment compensation and incentive programs, collective bargaining and binding arbitration; matters relating to job retraining and employee rehabilitative services and other matters relating to balancing the rights of employees to the needs of the industrial sector; and such other matters as may be referred to it.

(k) It shall be the duty of the Committee on Legislative Administration to consider all matters pertaining to the legislative process including mileage, elections, the journal, house resolutions and

screening; enrolling bills; and such other matters relating to legislative administration as may be referred to the committee. Any matter referred by the chairman to any subcommittee may be reported by that subcommittee directly to the House unless otherwise ordered by the chairman.

(1) It shall be the duty of the Subcommittee on Elections to examine and report on the credentials of the members elected to serve in the House and to consider all petitions and other matters in relation to such elections or returns as shall be presented or come into question and may be referred to it.

~~[(2) It shall be the duty of the Subcommittee on the Journal from day to day and before the commencement of the early session to examine the Journal of the preceding day and report to the House at once any errors.]~~

~~[(3)](2) It shall be the duty of the Subcommittee on Mileage [and Roll Call] to determine the distance traveled by each member of the House and report to the House the names of the several members and the mileage allowed to each [; and to make recommendations as to the use of the voting machine].~~

~~[(4) It shall be the duty of the Subcommittee on House Resolutions and Screening to examine all House congratulatory and commemorative resolutions and proposed non-legislative activities for the purpose of determining whether or not they are of sufficient importance or interest to warrant being brought before the House. No such resolutions or activities shall be brought before the House unless they are approved by the subcommittee. Any such resolutions or activities brought before the House with the approval of the subcommittee shall be scheduled so as not to interfere with the official business of the House. The term "non-legislative activities" shall include the introduction of House guests, seat-pocket insertions and journal announcements. The subcommittee shall also examine proposed legislation filed with the Office of Legislative Services to prevent, where possible, the duplication of bills or resolutions of a similar nature or content.]~~

~~[(5)](3) It shall be the duty of the Subcommittee on Enrolled Bills to carefully examine each bill, enroll it, and report it, on behalf of the committee, to the body. If the examination of a bill shall disclose any clerical error or formal imperfection, it shall be reported back to the body with such amendments as are required to correct the same; and any measures so reported shall be subjected to amendment in those particulars and in no other respect. [After enrollment in both bodies, all bills shall be signed by the President of the Senate and the Speaker of the House of Representatives.]~~

(l) It shall be the duty of the Committee on Local and Regulated Revenues to consider all matters relating to local revenue, including fees, property taxes and exemptions; the State Liquor Commission and the liquor laws of the state; the State Sweepstakes Commission and the sweepstakes laws of the state; the New Hampshire Pari-Mutuel Commission; and such other matters as may be referred to it.

(m) It shall be the duty of the Committee on Municipal and County Government to consider all matters pertaining to the salaries of town, city and county officers; changes in municipal and county government; the boundary lines of towns, cities and counties; the creation of new towns, cities and counties; and such other matters as may be referred to it.

(n) It shall be the duty of the Committee on Public Works and Highways to consider all matters pertaining to public highways, buildings and capital construction; the capital budget; matters pertaining to the protection, improvement and preservation of the coastline; the care of state memorials and monuments; and such other matters as may be referred to it.

(o) It shall be the duty of the Committee on Resources, Recreation and Development to consider all matters relating to natural resources, water pollution and control; parks and recreational areas; recreational industries; matters concerning state controls on property development; and such other matters as may be referred to it.

(p) It shall be the duty of the Committee on Rules to consider all matters pertaining to House ~~[procedure]~~ *procedural* rules; ~~[-to operate the House calendar and assist the Speaker in expediting the business of the session]~~ *and deadlines*; and to recommend rules of proper debate.

(q) It shall be the duty of the Committee on Science, Technology and Energy to consider all matters pertaining to energy, telecommunications, air pollution, the jurisdiction of the Public Utilities Commission, the application of technological advances to the legislative process and the operation of state government, to coordinate the flow of information about technical and scientific matters to state and federal agencies and legislative committees, to monitor legislation referred to other committees in order to make suggestions for inclusion of technological improvements where warranted, and such other matters as may be referred to it.

(r) It shall be the duty of the Committee on State-Federal Relations and Veterans Affairs to consider all matters pertaining to the National Guard and other military or veterans' organizations within the state, emergency management, potential actions by the U.S. Congress which will have a major impact on the state and the New England region, and all proposed resolutions petitioning the Congress on any matter; to maintain communication with the congressional delegation; to serve as a liaison between the New Hampshire House and the United States Congress and such other matters as may be referred to it.

(s) It shall be the duty of the Committee on Transportation to consider all matters pertaining to development, operation, regulation and control of all means of air, land and water transportation; and such other matters as may be referred to it.

(t) It shall be the duty of the Committee on Wildlife and Marine Resources to consider all matters concerning conservation, improvement and preservation of fish, game and non-game species and marine resources within the state; and such other matters as may be referred to it.

[30]31. The committees shall promptly consider and report on all matters referred to them. The standing committees, or any special committees, shall meet during the session in the respective committee rooms at such times as the committee may determine, unless the House shall otherwise order. No committee shall meet while the House is in session unless the Speaker shall consider it necessary. The Speaker may authorize any committee having a heavy workload to meet as needed on non-legislative days.

[31]32. The first-named member of any committee appointed by the Speaker shall be chairman; and in case of [his] *the chairman's* absence or being excused by the House, the next-named member shall be chairman, and so on, as often as the case may happen, unless otherwise ordered by the Speaker.

[32]33. When any committee shall report in a manner other than by bill, it shall, if the subject permits, submit with its report resolutions calling for such action as the committee shall recommend.

[33]34. Whenever it is not convenient for any standing committee to attend properly to all the business which has been referred to it, the Speaker may, on a vote of the House to that effect, appoint an additional committee on the same subject, to consist of the same number of members as the original committee. The new committee's duty shall be to take into consideration all matters in relation to the subject which has been referred to it by the House, and to report thereon.

## BILLS

[34]35.(a) Rule [65]64 shall set the first day to file requests for drafting of bills with the Office of Legislative Services, including all supplementary or necessary drafting information, for introduction in the first-year or second-year session. The Office of Legislative Services shall identify LSRs in language which makes clear the intent of the bill. LSRs, with the name(s) of the sponsor(s), shall be published by the Office of Legislative Services. The Speaker of the House shall adjudicate any disagreement concerning the publication of LSRs that may arise between bill sponsors and the Office of Legislative Services.

(b) The Office of Legislative Services shall not accept a request to draft any bill which is the same, or essentially the same, as any other drafting request already accepted in the same session. If duplicate or similar legislation is requested, the Director of Legislative Services shall notify the sponsors of each filing request and mediate an agreement for the filing of a single bill. Filing requests resulting from legislative committee work shall take precedence over all other duplicate or similar filings. The name of the House member whose LSR request is denied due to duplication may be substituted on request for that of the original sponsor if the original sponsor withdraws the drafting request prior to the sign-off deadline.

(c) Notwithstanding (a) and (b), any member may have legislation drafted and introduced upon receiving approval of a majority vote of the House Rules Committee or by a two-thirds vote of those House members present and voting.

(d) First-year session:

(1) In the first-year session, there shall be no limitation on the subject matter of legislation introduced.

(2) As soon as possible after the end of the first-year session, the Clerk shall publish in the House Calendar those bills voted inexpedient to legislate, indefinitely postponed or re-referred in

the first-year session, and those bills which created study committees with November 1 reporting deadlines. The listings shall be in numerical order by bill number/title, and in ~~[subject]~~ **committee** order by bill number/title.

(e) Second-year session:

(1) No bill or resolution shall be introduced if it is substantially similar to any legislation which was indefinitely postponed or voted inexpedient to legislate by the House in the first-year session, unless it has been approved by a majority of the House Rules Committee or a two-thirds vote of those House members present and voting, whether as a bill, an amendment, a committee of conference report or in any other manner.

(2) A request shall not be accepted to draft any bill which is the same, or essentially the same, as any bill voted inexpedient to legislate, indefinitely postponed, re-referred, or made the subject of a statutory study committee in the first-year session unless approved for drafting and introduction by a majority vote of the House Rules Committee or a two-thirds vote of those House members present and voting.

[35]36.(a) All petitions, memorials, and other papers addressed to the House and all bills and resolutions to be introduced in the House, ***except those house resolutions not taking a policy position which are prepared by the Clerk of the House,*** shall be delivered or caused to be delivered to the Office of Legislative Services by the ~~[person]~~ **member** presenting them. The Office of Legislative Services shall prepare those bills, resolutions, petitions, memorials and other papers in proper form and shall present them to the member(s) for signature. Legislative Services shall give precedence in drafting legislation to any measure which carries a fiscal note and all such legislation shall be prepared for signature by the sponsor by the date specified in Rule [65]64.

(b) (1) All bills, resolutions, ~~[bills of intent]~~ petitions, memorials and other papers addressed to the House, shall be endorsed with the name and the district of the legislator presenting them. All legislation shall be numbered serially according to type of legislation introduced.

(2) Each bill shall be marked on the first page "House Bill"; ~~[each bill of intent shall be marked "House Bill of Intent"]~~; each joint resolution shall be marked "House Joint Resolution"; other concurrent resolutions shall be marked "House Concurrent Resolution"; and each house resolution shall be marked "House Resolution."

(c) When a bill is proposed by any state agency, the name of the agency proposing it shall appear in the bill analysis.

(d) No LSR number shall be assigned and no House bill shall be drafted unless the LSR or bill has a House sponsor. No more than five House members shall be allowed to sponsor any bill. No more than 5 Senate members shall be allowed to co-sponsor legislation originating in the House. If more than five House members wish to be sponsors, the person who first requested the drafting of the bill, house resolution, concurrent resolution, joint resolution, **or** constitutional amendment-concurrent resolution ~~[or bill of intent]~~ shall determine the names of the four co-sponsors whose signatures are required for introduction. Other House members may be added as co-sponsors by notifying the Clerk prior to the date of the first public hearing on the proposal, and their names shall be recorded in the permanent journal of that session.

(e) If a drafting request for a bill or resolution, filed with the Office of Legislative Services, requires a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the Legislative Budget Assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal.

(f) For the purposes of these rules, money bills are those that either appropriate money or affect state revenues, whether new or existing.

[36.(a) Any member may submit a bill of intent which shall be a document written in plain language setting forth a problem of concern but not necessarily proposing a change in existing statutes. For the purpose of introduction, printing, and committee referral, a bill of intent shall be treated the same as a bill.

~~(b) Any committee receiving a bill of intent is required to report its action to the House. If legislation is recommended, the bill of intent shall be subject to the same rules and deadlines established for bills. In any case, the committee shall meet with the sponsor of a bill of intent and may, by majority vote, choose to hold a public hearing. Bills of intent referred to interim study shall be reported by the same date and in the same manner as other bills.]~~

37. Every request by a member of the House for drafting a bill, house resolution taking a policy position, concurrent resolution, constitutional amendment-concurrent resolution, or joint resolu-

tion other than the general budget or the capital budget bill, shall be accepted by the Office of Legislative Services for processing no later than the date specified by Rule [65]64. Each request shall be accompanied by the complete information necessary for drafting.

~~[(a) This deadline shall not apply to bills of intent which may be accepted by the Office of Legislative Services until the date specified as the first crossover date by Rule 65.~~

(b) This deadline shall not apply to house resolutions which do not propose policy positions. Such resolutions may be accepted for drafting by the Office of Legislative Services at any time. 38.(a) The sign-off deadlines set by Rule [65]64 shall supersede the time limits set forth in this Rule.

(b) The sponsor of any legislation shall sign it for introduction within 10 calendar days after the draft legislation is mailed to the sponsor for approval, whether or not the fiscal note has been prepared. If the 10th day falls on a Saturday, Sunday, or holiday, the 10-day period shall expire on the subsequent working day. The sponsor's name shall be published at least once on the "signatures needed" list in the House Calendar within the sign-off period. If the sponsor requests a redraft within the sign-off period, the sponsor shall sign the legislation for introduction within 10 calendar days after the redraft has been mailed to the sponsor. No more than one redraft per LSR may be requested during the last 10 days prior to the sign off-deadline. The sign-off deadline in section (a) shall supersede the time limits set forth in this section.

(c) If the primary sponsor signs the legislation in time for introduction, but one or more co-sponsors fails to sign, the legislation shall be introduced in the names of those sponsors who have signed. If the primary sponsor fails to sign the legislation in time for introduction, a co-sponsor may become the primary sponsor. If the primary sponsor fails to sign, and no co-sponsor wishes to become the primary sponsor, the legislation may not be introduced without suspension of this rule.

39. All joint resolutions shall be treated in the same manner as bills.

40.(a) All House Bills, House Joint Resolutions, House Concurrent Resolutions and House Resolutions proposing that the House take a policy position may be introduced at any time prior to any deadline established by the House for their introduction.

~~[(b) Bills of Intent may be introduced into the House at any time prior to any deadline established by Joint Rules for the transfer of bills out of the first body].~~

~~[(c)](b) Exceptions:~~

(1) Notwithstanding any other provisions of the Rules, a House Bill, House Joint Resolution, ~~[House Bill of Intent]~~ or House Concurrent Resolution may be accepted by the Office of Legislative Services for drafting and introduced into the House at any time prior to the ~~[deadline established by Joint Rules for the transfer of bills out of the first body]~~ *crossover date specified in Rule 64*, if approved by either a majority of the Committee on Rules, or a two-thirds vote on the floor; and

(2) House Resolutions proposing that the House take a policy position may be accepted for drafting and introduced into the House at any time after the deadline for introduction of bills and resolutions if approved by either a majority of the Committee on Rules, or a two-thirds vote on the floor.

41. Every bill, resolution, joint resolution, and concurrent resolution proposing that the House take a policy position shall have three separate readings in the House prior to its passage. The first and second readings and referral to committee shall be by title only which may be accomplished by a conglomerate motion, after which the bill shall be referred by the Speaker to the appropriate committee and shall be printed as provided in Rule 42, unless otherwise ordered by the House. No bill or resolution after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills, resolutions, and joint resolutions shall be in the late session unless otherwise ordered by the House. The orders of the day for the reading of bills shall hold for every succeeding day until disposed.

42. After each bill has been numbered and referred by the Speaker to the appropriate committee, the Clerk shall provide a copy to the committee chairman and procure a sufficient number of copies for distribution.

43. (a) A hearing shall be held on each bill referred to a committee.

(b) Notice of committee action shall be posted as follows:

(1) Public hearings shall be advertised in the House Calendar no less than four days prior to a hearing.

(2) Executive sessions shall be advertised in the House Calendar no less than two days prior to committee action or announced on the floor of the House by the Chairman of the appropriate committee.

(3) All other committee or subcommittee meetings at which decisions are made or information is received shall be advertised in the House Calendar or, if scheduled after the calendar deadline, shall be posted in the Clerk's Office and outside the committee room at least 24 hours prior to the meeting.

(c) When requested by the President of the Senate, the Speaker may authorize and direct the appropriate House committee or committees to sit with the appropriate Senate committee or committees at a public hearing of any Senate bill, and no further public hearing on such bill shall be required when such bill is received subsequently in the House from the Senate.

44.(a) All bills in the possession of committees shall be reported out by the date specified in Rule [65]64 with one of the following recommendations: Ought to Pass, Ought to Pass with Amendment, Re-refer to Committee, Inexpedient to Legislate, Refer for Interim Study, or Recommended but to be Laid Upon the Table Because of Funding. Re-refer to Committee shall be a committee report only in the first-year session; Refer for Interim Study shall be a committee report only in the second-year session. The Committee, as its Interim Study final report, shall submit ~~[one of the following: 1) Recommended for Future Legislation; 2) Recommended, with Amendment, for Future Legislation; 3) Not Recommended for Future Legislation]~~ *its findings and any recommendations.*

(b) All committee reports on bills shall be printed in the House Calendar on the day that the committee report is listed for floor action, and at least once previously. If a bill is reported favorably on an amendment, the committee report shall ~~[state the amendment and then recite the section of]~~ *describe* the bill ~~[in full]~~ as amended. The amendment shall be printed in the House Calendar at least once prior to the date listed for floor action.

(c) If a bill is reported Re-refer to Committee, it shall read Re-refer to Committee for action in the second-year session. The report on a re-referred bill shall contain ~~[a separate and adequate]~~ *an* explanation of the issue(s) which require(s) review. Bills which have been re-referred to the Finance Committee may be referred by the Speaker to the original committee to which it was assigned when the House adjourned from the first session. All bills re-referred in the first-year session shall be acted on by the third legislative day of the second-year session.

(d) (1) No committee shall report with a positive recommendation any bill or resolution which would, if enacted, be a ~~[clear]~~ violation of Part I, Article 28-a of the N.H. Constitution.

(2) The vice chairman or another member of each committee shall review all pending legislation and shall advise the chairman and the members of all legislation before the committee which should be reviewed in terms of Rule 44 (d)(1) above.

45.(a) No amendment shall be made until the second reading of a bill. All amendments to bills shall be prepared by the Office of Legislative Services, with the name of the member and the district ~~[he represents]~~ *represented by the member or the name of the policy committee proposing the amendment.*

(b) No amendment shall be added to any bill, resolution, joint resolution or concurrent resolution which is not germane to ~~[its]~~ *the subject matter of the legislative document as referred to the Committee, unless the amendment has been the subject of a duly noticed public hearing advertised in the House Calendar or, if scheduled after the calendar deadline, posted in the Clerk's Office and outside the committee room at least 24 hours prior to the meeting. Copies of the amendment shall be available at the Sergeant-at-Arms office at least 24 hours prior to the scheduled hearing.*

(c) When a bill comes before the House, the body shall first consider the printed majority report of the committee. The Speaker shall not permit a motion to substitute any permitted alternative report for the Committee Report until the House has properly disposed of the majority report.

46.(a) All bills and joint resolutions appropriating state money, which have been reported favorably from any committee, shall be referred to the Committee on Finance. If such bills have been referred to the Committee on Finance after report by another standing committee, the Committee on Finance may report separately and no further hearings shall be required by the Committee on Finance. Hearings on bills assigned to the Committee on Finance may at the discretion of the chairman be assigned to and held by the division of the committee to which the bill is assigned and no further hearing may be required.

(b) All bills and resolutions affecting state revenues or fees shall, if approved by the House when reported from the Committee on *Local and Regulated Revenues*, be referred to the Committee on

Finance. Any bill or resolution establishing, amending, or repealing a state fee established in statute, excluding professional licensing fees, shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Finance.

(c) All bills and resolutions addressing licensure and/or certification shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Executive Departments and Administration for a further report on the effect of the passage of such a bill or resolution.

(d) All bills and resolutions affecting criminal penalties, if approved by the House when reported by the appropriate policy committee, shall be referred to the Committee on ~~[Corrections and]~~ Criminal Justice *and Public Safety*.

(e) The chairmen of committees ~~[named]~~ *receiving a bill or referral as outlined* in this rule with the approval of the Speaker may:

(1) decline the referral of any bill from another committee; or

(2) notwithstanding the provisions of Rule 43 (a), waive the public hearing on any bill referred from another committee.

47. Any budget bill reported by the Committee on Finance shall contain a balanced spending plan. In the second-year session, the Committee on Finance shall hold hearings on proposed changes to the State spending plan for the current biennium and may submit a supplemental budget bill.

48.(a) There shall be a detailed briefing on the general budget bill presented to the House at least two days before final action is taken on such a bill and, in any event, not later than the deadline established in Rule [65]64.

(b) There shall be a detailed briefing on Senate changes to the House version of the general budget bill presented to the House membership by the second session day after the establishment of a Committee of Conference. The purpose of such a briefing will be to inform the House of the Senate position on the bill and to provide a sense of the House on that position as advisory guidance to the House conferees.

49.(a) Committee-of-Conference reports shall be distributed to be acted on on some subsequent day.

(b) No member of a Committee of Conference shall sign any report which contains non-germane amendments or subject matter that has been indefinitely postponed in either house. For the purpose of this rule, a non-germane amendment is any subject matter not contained in either the House or Senate version of the bill.

(c) A Committee-of-Conference-report analysis prepared by the first-named House member shall be printed in the House Calendar.

(d) A Committee-of-Conference report may be placed on the Consent Calendar only by a unanimous vote of all House conferees.

50. All committees must report all bills referred to them seven days prior to any deadline for the House to take action unless otherwise provided in Rule [65]64. Any bill not reported shall be placed on the calendar by the Speaker with a report of No Recommendation and the reference to committee shall be revoked.

51. The Speaker may designate any legislative day as a Consent Calendar day by giving two days printed notice in the House ~~[Record]~~ *Calendar*. No bill shall be on a Consent Calendar unless the committee to which the bill was referred approves its placement on the Consent Calendar by a unanimous vote in executive session. Any member may request removal of any bill listed on the Consent Calendar. Any bill removed from the Consent Calendar shall be taken up at the conclusion of the Regular Calendar. All matters remaining on the Consent Calendar shall be acted upon without debate.

52. No standing rule of the House shall be suspended unless two-thirds of the members present vote in favor thereof.

53. No rule shall be rescinded unless two days notice of a motion has been given and two-thirds of House members present vote therefor.

### COMMITTEE OF THE WHOLE HOUSE

54. The House may resolve itself into a committee of the whole at any time on the motion of a member made for that purpose. In forming a committee of the whole House, the Speaker shall leave the chair, and a chairman to preside in committee shall be appointed by the Speaker.

55. When a bill or a resolution is committed to a committee of the whole House, the entire bill or resolution shall first be read by the Clerk, and then again read and debated by clauses, leaving the

preamble of the bill to be considered last. The body of the bill or resolution shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as they are agreed to by the committee and so reported to the House. After reporting, the bill or resolution shall again be subject to debate and amendment by clauses before a question to pass it to a third reading is taken.

56. The rules of proceeding in the House shall be observed in the committee of the whole House, as far as they may be applicable, except the rule limiting the time of speaking.

### ORDER OF BUSINESS

57. (a) The order of business in the early session shall be as follows:

1. Prayer by the Chaplain, pledge of allegiance and leaves of absence if received before the start of the legislative day;

2. Introduction of Guests;

3. Petitions of members ~~[and personal privilege]~~;

4. Consideration of unfinished business;

5. Introduction, first and second reading and referral of bills;

6. Messages from the Senate, the Governor and the Secretary of State;

7. Consideration of Consent Calendar items;

8. Reports from standing and select committees;

9. Resolutions, motions and notices;

10. Adjournment from the early session.

(b) The order of business in the late session shall be as follows:

1. Third reading of bills, resolutions and joint resolutions;

2. Resolutions and motions;

3. *Personal privilege.*

[3]4. Adjournment to a date certain.

(c) ~~[Leaves of absence may be granted by the House at any time:]~~ *The order of business listed in this rule shall be adhered to unless otherwise ordered by a majority of those members of the House present and voting.*

(d) ~~[The order of business listed in this rule shall be adhered to unless otherwise ordered by a majority of those members of the House present and voting:]~~ *Leaves of absence may be granted by the House at any time.*

58. The unfinished business in which the House was engaged at the last preceding adjournment, if called for by any member, shall have preference over all other business except the general order of the day; and no motion, or any other business except the general order of the day, shall be received without special leave of the House, until the former is disposed.

~~[59. Adjournment. No motion for adjournment for more than five days shall be in order unless prior notice has been given in open session at least two legislative days before the motion is offered:]~~

### MEMBERS, PERSONNEL

~~[60]~~59. The elected and appointed non-member officers and personnel of the House shall be under the direction of the Speaker, who shall define their duties not fixed by statute or otherwise ordered by the House.

~~[61]~~60. No officer or employee of the House during the session or any adjournment thereof shall purchase or contract to purchase, pay or promise to pay any sum of money on behalf of the House or issue any requisition or manifest without securing the approval in writing of the Speaker of the House or ~~[his]~~ designee.

~~[62]~~61. The Speaker may appoint ~~[a Chief Security Officer who shall be a person]~~ *an individual* trained and experienced in security matters or law enforcement work~~[-His duties]~~, *who*, under the supervision and direction of the Speaker, shall ~~[be to]~~ prevent the deliberations of the House from being disrupted or interfered with by any person or persons not members thereof.

~~[63]~~62. No employee or attaché of the House Sergeant-at-Arms shall, directly or indirectly, ~~[involve himself]~~ *be personally involved* with or attempt to influence the passage or consideration of any measure whatsoever. If any such employee or attaché ~~[so interests, or concerns himself]~~ *becomes involved* with any *such* measure, it shall be grounds for summary dismissal.

## MISCELLANEOUS

[64]63. No person, including members of the House, except law enforcement officers while actively engaged in carrying out their duties as such, shall carry or have in [his] possession any deadly weapon as defined in RSA 625:11, V while [he-is] in the House Chamber, anterooms, cloakrooms, or any portion of the State House adjacent to any of the above. Any person in violation of this rule shall be subject to ejection from any such premises on the order of the Speaker and disciplinary action or arrest or both by action of the House. Nothing in this rule shall indicate that the security officer appointed by the House under Rule [60]61 has the right to stop and search a member of the House on the premises of the House.

## DEADLINES

[65]64 - Legislative action in the first-year session shall be subject to the following deadlines:

~~[JULY 1, 1996, Monday~~

~~First day for incumbents and state agencies to file LSRs, with complete information;~~

~~SEPTEMBER 16, 1996, Monday~~

~~The 10-day sign-off deadline begins [Rule 38 (b)].~~

~~NOVEMBER 1, 1996, Friday~~

~~Final day to file, with complete information, all bill drafting requests from 1996 interim study work.~~

~~Final day to file, with the house clerk, all 1996 interim study reports.~~

~~NOVEMBER 6, 1996, Wednesday~~

~~First day for new members to file LSRs, with complete information.]~~

~~DECEMBER 13, 1996, Friday~~

~~Last day for all members to file LSRs, with complete information.~~

~~JANUARY 17, 1997, Friday~~

~~Last day for sign-off of all bills.~~

~~JANUARY 30, 1997, Thursday~~

~~Last day to amend House Rules by majority vote.~~

~~JANUARY 31, 1997, Friday~~

~~Last day to introduce all bills.~~

~~MARCH 5, 1997, Wednesday~~

~~Last day to report all bills going to a second committee, except the capital budget.~~

~~MARCH 12, 1997, Wednesday~~

~~Last day to report the capital budget and all other bills, except the operating budget.~~

~~Last day to refer bills to a second committee, except the capital budget.~~

~~MARCH 19, 1997, Wednesday~~

~~Last day to act on bills not in a second committee, except the budgets.~~

~~APRIL 2, 1997, Wednesday~~

~~Last day to report all remaining House bills.~~

~~APRIL 8, 1997, Tuesday~~

~~Last day for House budget briefing.~~

~~APRIL 10, 1997, Thursday~~

~~CROSSOVER: Last day to act on all remaining House bills.~~

~~APRIL 16, 1997, Wednesday~~

~~Last day to report all Senate bills going to a second committee.~~

~~APRIL 23, 1997, Wednesday~~

~~Last day to act on all Senate bills going to a second committee.~~

~~APRIL 29, 1997, Tuesday~~

~~Last day to report all Senate bills not in second committee.~~

~~MAY 7, 1997, Wednesday~~

~~Last day to report all Senate bills in second committee.~~

~~MAY 14, 1997, Wednesday~~

~~Last day to act on all Senate bills.~~

~~MAY 20, 1997, Tuesday~~

~~Last day to form committees of conference.~~

*MAY 29, 1997, Thursday*

*Last day to file committee of conference reports.*

*JUNE 2, Monday*

*Committee of conference reports available.*

*JUNE 4, Wednesday*

*Last day to act on committee of conference reports, except the budget.*

*JUNE 5 Thursday*

*Last day to file budget committee of conference report.*

*JUNE 11 Wednesday*

*Last day to act on budget committee of conference report.*

*JUNE 17 Tuesday*

*All bills to Governor.*

*JUNE 25 Wednesday*

*Veto day.*

\* \* \* \* \*

## **RULES OF COMMITTEE PROCEDURE**

100. Committee Chairman; Duties.

The duties of each committee chairman, appointed pursuant to House Rule [34]32, shall be the following:

- (a) To preside at all meetings of the committee;
- (b) To call the meeting to order at the time and place designated by the meeting notice;
- (c) A quorum being present, to cause the committee to proceed with its business in the proper order according to the agenda and to announce the business before the committee as it proceeds with such business;
- (d) To preserve order and decorum and to speak on points of order, in which case the chairman shall have preference over other members;
- (e) To decide all points of order, subject to appeal to the committee;
- (f) To explain or clarify any rule of procedure upon request;
- (g) To state, or direct the clerk to state, each motion as it is made;
- (h) To recognize members;
- (i) To state and put to a vote all questions requiring a vote or upon which a vote is ordered and to announce the vote;
- (j) To appoint the chairman of all subcommittees and further to appoint the membership of all subcommittees;
- (k) To assign duties and responsibilities to the vice-chairman of the committee;
- (l) To sign all documents which require [his] *the chairman's* signature;
- (m) To arrange for the posting and filing of committee notices;
- (n) To supervise and be responsible for the preparation of committee reports and supplements;
- (o) To prepare, or supervise the preparation of the agenda for each committee meeting as required by these rules;
- (p) To submit requests to the Speaker for interim studies or meetings or travel for committees or subcommittees;
- (q) To have custody, during the legislative session subject to state statutes, of all legislative documents and reports referred or submitted to the committee;
- (r) To transmit to the Clerk each legislative document and report which the committee has: 1) reported, or 2) been discharged from considering, or 3) been ordered to report;
- (s) To carry out all duties required by law, by action of the House, or by action of the Speaker.

101. Members, Duty to Attend Meetings; Attendance Record.

It shall be the duty of committee members to attend and participate in all committee meetings. A record of the members present and the members absent at each committee meeting shall be maintained. The chairman shall be responsible for assuring that this record is maintained and [he] shall notify the Speaker of excessive unexcused absences.

102. Excessive Unexcused Absences.

Each committee chairman is authorized to request the Speaker to remove from committee membership any member of the committee whose unexcused absences from committee meetings are judged to be excessive in number.

~~[103. Standing Committee Meeting Schedule; Session, Interim Conflicts:~~

~~A schedule of meeting days for committees shall be established by the Chairman for the interim between sessions. Such schedule shall designate Wednesdays and Thursdays for meetings of each committee. However, upon authority of the Speaker and the approval of the Chairman, a committee may make changes in the schedule of meetings when circumstances require, subject to all other applicable rules. Committees shall meet on these designated days, provided they have particular business to consider. Session and interim committee schedules shall, to the maximum extent possible, be established so as to avoid committee conflicts for legislators.]~~

~~[104. Notice; Session Meetings; Interim Meetings:~~

~~The House Clerk's Office shall prepare and publish in the House Calendar a schedule of all committee meetings. Notice of such meetings shall comply with Rules 43(a) and 43(b).]~~

~~[105]103. Notice of Executive Sessions.~~

Notice of all executive sessions at which a recorded vote will be taken shall be given by: (1) notification in the House Calendar at least two days prior to said executive session, and/or (2) notification by the Chairman of the appropriate committee on the floor of the House.

~~[106]104. Notice; Contents.~~

Each meeting notice shall contain the following information:

- (1) the time and place of the meeting;
- (2) the matters proposed for consideration;
- (3) any other information which the committee deems pertinent.

~~[107]105. Quorum Required to Transact Business.~~

The presence of a quorum, defined as a majority of each committee, shall be required for a committee to transact business and no official action shall be taken by a committee unless a quorum is present.

~~[108]106. Vote Required for Committee Actions; Members Disqualified.~~

The approval of a majority of the quorum present shall be required for a committee to decide a question or to take official action on any matter; provided however, that a member who has filed a ~~[Conflict of Interest statement]~~ *Declaration of Intent* pursuant to the Ethics Guidelines ~~[and Procedures]~~ that ~~[he/she]~~ *the member* will not participate, shall not be required to vote and shall not be counted for purposes of determining the number necessary or for establishing a quorum to act on that question.

~~[109]107. Roll Call, Recorded Votes Required.~~

At each legislative committee meeting, final action on any bill or resolution shall be by roll call. All roll call votes shall appear in the records of the committee as otherwise provided in these rules. In all roll call votes the names of the members voting for the motion, the names of the members voting against the motion, and the names of members not participating because of a conflict of interest, shall be recorded. If a member is present when the question is put, he or she must vote when called unless the member is not participating pursuant to the New Hampshire General Court Ethics Guidelines ~~[and Procedures]~~.

~~[110]108. Minutes of Meetings Required; Contents.~~

Minutes of each meeting shall be kept by the committee clerk or under the direction of the clerk and they shall constitute a written record of committee proceedings at such meeting. In the minutes there shall be entered:

- (a) The time and place of the meeting of the committee;
- (b) The members present or absent;
- (c) The names and addresses of all persons appearing before the committee with the names and address, if any, of the person, firm, corporation or association in whose behalf the appearance is made;
- (d) The bills, resolutions or other matters considered, by number where appropriate;
- (e) Action of the committee, including final action of the committee with respect to each bill or resolution on which the committee makes a report to the House;
- (f) The vote of each member on each bill or resolution, matter or motion considered by the committee on which a record vote is taken;
- (g) The important points made by each witness at a public hearing and by each member of the committee, insofar as possible.

~~[111]109. Permanent Committee Records; Disposition.~~

(a) The permanent records of the committee shall include the minutes of each meeting and a file on each bill or resolution received by the committee. The file on each bill or resolution shall include a copy of the original document, a copy of committee amendments proposed by a member, whether adopted or not, and the disposition thereof; a copy of any fiscal note, actuarial note or notice attached to a bill or resolution at the time of committee consideration; all prepared statements which have been filed with the committee chairman by members or interested parties.

(b) The minutes and other permanent records of the committee shall be publicly recorded and shall be kept by the House Clerk in a place designated by the Speaker.

#### [12]110. Open Meetings.

All meetings of any committee of the House and Senate shall be open to the public subject to the provisions of N.H. RSA 91-A and as clarified by the Attorney General of the State of New Hampshire.

#### [13]111. Back-Up Rules.

In such cases where New Hampshire House Committee rules are silent, "Mason's Manual of Legislative Procedures," 1989 Edition, shall be referred to as the ~~primary~~ *parliamentary* guide.

\* \* \* \* \*

## DEFINITIONS

### RESOLUTIONS

Resolutions are the formal expressions of the opinions and wishes of the legislature. There are four types: joint resolutions, concurrent resolutions, simple resolutions, and constitutional amendment-concurrent resolutions (CACRs). Joint resolutions, concurrent resolutions and CACRs must be approved by both branches of the legislature, while simple resolutions are considered only by the body of introduction. All resolutions take effect upon passage, so they often are used to meet emergency situations.

#### (a) JOINT RESOLUTION:

A joint resolution is one which has the force and effect of law, and as such must pass both the house and senate and be signed by the governor. The constitution, Pt. II, Art. 45, provides that joint resolutions shall be treated as bills.

Joint resolutions are introduced and considered in the same manner as bills, except that they can only be used for temporary provisions. Joint resolutions cannot be used to amend the public or private laws of New Hampshire (the RSA or the session laws), but they can be used to appropriate money for limited purposes; to establish temporary study committees; and to make adjustments in the state retirement system for certain individuals. Because a joint resolution is effective upon passage, it is useful for supplemental or deficiency appropriations, but such appropriations may not extend beyond the second fiscal year of the biennium. As with other appropriations, if a resolution makes an appropriation from the general fund the governor must be authorized to draw ~~this~~ a warrant for the sums appropriated.

#### (b) CONCURRENT RESOLUTION:

A concurrent resolution is acted on by the house or senate and sent to the other house for approval but is not sent to the governor for signature. Therefore, it does not have the effect of a law, and it is important to note that it can not be used to appropriate money. Concurrent resolutions may be used to put the legislature on record as supporting or disavowing some aspect of national or state policy. Also, a concurrent resolution may be utilized to express appreciation to some individual or group.

#### (c) SIMPLE RESOLUTION:

A simple resolution is one which is considered by the legislative body in which it is introduced and is of interest to only that body. Neither house nor senate resolutions have the effect of law. They are written to show appreciation to some individual or group, to ask the supreme court for an advisory opinion on a bill originating in that body, to express sympathy for an individual's death or illness, or, in a lighter vein, to commemorate an event affecting one of the members.

#### (d) CONSTITUTIONAL AMENDMENT-CONCURRENT RESOLUTION:

An amendment to the constitution may be proposed by the legislature, as well as a constitutional convention. N.H. Const. Pt. 2, Art. 100. Each body must approve the CACR by a three-fifths vote of the entire membership, then be submitted to the voters at the next biennial November election. The CACR must be approved by two-thirds of the qualified voters present and voting.

**[BILL OF INTENT:**

A bill of intent is a document written in plain language setting forth a problem of concern but not necessarily proposing a change in existing statutes. For the purpose of introduction, printing and committee referral, a bill of intent is treated the same as a bill. See House Rule 36(a) and (b).]

Rep. Wheeler spoke in favor and yielded to questions.

Reps. Amanda Merrill and Lozeau spoke in favor.

Rep. Jacobson spoke against.

Adopted.

**RESOLUTION**

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 101 through 194 and Constitutional Amendment Concurrent Resolutions numbered 1 through 7, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS and cacr's****First, second reading and referral**

**HB 101-FN-L**, requiring a certain road in the town of Lyman to be maintained year-round by the state. (Trelfa, Graf 2; Teschner, Graf 5: Public Works and Highways)

**HB 102-L**, relative to criminal history checks for all school employees and applicants. (Spear, Straf 5; Marcinkowski, Hills 24; Ham, Graf 4: Education)

**HB 103**, relative to the standard of care owed by landowners to children. (Dodge, Rock 4; Steere, Ches 11: Judiciary and Family Law)

**HB 104-FN**, requiring a plea bargaining agreement to be submitted to the court for judgment at least 2 weeks prior to the trial date. (Dodge, Rock 4; Dolan, Rock 12; Nowe, Rock 3: Criminal Justice and Public Safety)

**HB 105**, extending the time limits for holding an adjudicatory hearing in certain delinquency cases. (Hunter, Hills 7; Emerton, Hills 7; Wheeler, Hills 7; Danais, Dist 20: Criminal Justice and Public Safety)

**HB 106-L**, requiring ballot clerks to verify the identity of persons receiving ballots by requesting an identification card. (Nowe, Rock 3: Election Law)

**HB 107**, requiring health care providers to exhaust medicare and secondary payors before billing the patient. (Fenton, Hills 24: Commerce)

**HB 108-FN-A**, relative to the rate of the legacies and successions tax as it applies to siblings of the decedent together with their spouses and lineal ascendants and descendants of siblings of the decedent together with their spouses. (Steere, Ches 11; McGuirk, Ches 1; M. Brown, Merr 10; Melcher, Hills 11: Finance)

**HB 109-FN**, requiring the state to rebate to the seller a portion of the state car registration fee for a car sold after the seller registers it. (Ferguson, Hills 13: Transportation)

**HB 110**, relative to the use of and school district liability for the use of district computer systems and networks. (Thomas, Belk 3: Education)

**HB 111-FN**, relative to preservation and access to records of legislation in the state archives. (Whittemore, Merr 13; Martin, Hills 34; Wall, Straf 9; Dickinson, Carr 2: Legislative Administration)

**HB 112**, requiring that all changes in state taxes be passed by a 60 percent majority of each house of the general court. (Cobbin, Graf 11: Finance)

**HB 113-FN-A**, reducing the rate of the communications services tax. (Cobbin, Graf 11: Finance)

**HB 114**, requiring members of conservation commissions to be residents of the city or town which they represent. (Abbott, Rock 19; Rubin, Rock 25; Schanda, Rock 19; M. Fuller Clark, Rock 36; Whipple, Dist 8: Municipal and County Government)

**HB 115-FN**, relative to payment from state funds for damage to cultivated blueberries caused by game. (Whittemore, Merr 13: Wildlife and Marine Resources)

**HB 116-FN-L**, allowing for the surviving spouse of a former prisoner of war (POW) to retain the special number plates after the death of the former prisoner of war. (B. Gage, Rock 26: Transportation)

**HB 117**, relative to Persian Gulf War bonus payments. (Kenney, Carr 6: State-Federal Relations and Veterans Affairs)

**HB 118-FN**, relative to penalties for marijuana possession. (Robertson, Ches 18; McGuirk, Ches 1; Doucette, Ches 19; Lynott, Ches 11; I. Pratt, Ches 5: Criminal Justice and Public Safety)

**HB 119-FN**, increasing the fee to hunt migratory waterfowl. (Abbott, Rock 19: Wildlife and Marine Resources)

**HB 120-FN**, amending certain license fees and making various technical changes to the fish and game laws. (Abbott, Rock 19: Wildlife and Marine Resources)

**HB 121**, relative to quality review for accountancy and requiring the board of accounting to adopt administrative rules. (Dodge, Rock 4; M. Brown, Merr 10: Executive Departments and Administration)

**HB 122**, relative to the operation of games of chance conducted by charitable organizations. (Desrosiers, Hills 45: Local and Regulated Revenues)

**HB 123**, relative to reduced speed limits in school zones during school openings and closings. (Beaulieu, Rock 10: Transportation)

**HB 124-FN**, relative to dental care insurance for state employees and retired state employees. (Ferguson, Hills 13; Goulet, Hills 15: Executive Departments and Administration)

**HB 125**, relative to methadone therapy. (Lamach, Merr 3: Criminal Justice and Public Safety)

**HB 126-FN-L**, repealing road toll refunds for retail dealers. (Lamach, Merr 3: Public Works and Highways)

**HB 127-FN-L**, designating a portion of the meals and rooms tax for distribution to cities and towns based on the amount of land in current use. (Cobbin, Graf 11; Weber, Graf 11, Alger, Graf 9: Finance)

**HB 128**, relative to state regulation of participation by foreign banks in the financial markets of New Hampshire. (Lindblade, Sull 7; M. Fuller Clark, Rock 36: Commerce)

**HB 129**, relative to the definition of emergency services for health care insurance purposes. (Herman, Hills 13; M. Fuller Clark, Rock 36: Commerce)

**HB 130**, clarifying the authority of county commissioners to arrange for work by prisoners. (Noyes, Rock 26; David Welch, Rock 18; J. Flanders, Rock 18: Criminal Justice and Public Safety)

**HB 131**, relative to notification regarding workers' compensation coverage for subcontractors. (J. McCarthy, Rock 24: Labor, Industrial and Rehabilitative Services)

**HB 132-FN**, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge. (Varrell, Rock 9; Abbott, Rock 19; Rubin, Rock 25; Fenton, Hills 24; Barnes, Dist 17: Wildlife and Marine Resources)

**HB 133**, establishing a family resource council to address the efficient delivery of services to children and families. (Metzger, Ches 13; Richardson, Ches 12; Jacobson, Merr 2; French, Merr 3; M. Fuller Clark, Rock 36; K. Wheeler, Dist 21: Judiciary and Family Law)

**HB 134**, clarifying the distinction between homeworkers and independent contractors for the purposes of unemployment compensation. (Lindblade, Sull 7: Labor, Industrial and Rehabilitative Services)

**HB 135**, requiring a waiting period before the retail price of home heating fuel oil is increased in certain circumstances. (G. Brown, Straf 17; M. Fuller Clark, Rock 36; Peter Cote, Hills 32: Commerce)

**HB 136**, establishing a committee to study the authority, functions, duties, and responsibilities of the fire standards and training commission. (Hunter, Hills 7; David Welch, Rock 18; Emerton, Hills 7; Dyer, Hills 8; Danais, Dist 20: Criminal Justice and Public Safety)

**HB 137-A**, relative to the Abbott or Bridge Street bridge in Pelham and making an appropriation therefor. (Fenton, Hills 24; Marcinkowski, Hills 24; D. White, Hills 25: Public Works and Highways)

**HB 138-FN**, relative to the design and the display of the state flag. (Hunter, Hills 7; Fenton, Hills 24; Rubin, Rock 25: Executive Departments and Administration)

**HB 139**, relative to fishing in a certain portion of the Pemigewasset river. (Phinney, Graf 8: Wildlife and Marine Resources)

**HB 140**, relative to the sale of apples and relative to maple syrup and sap hydrometers and orders issued by the commissioner for noncompliance with the laws regulating maple and honey products. (Owen, Merr 6: Environment and Agriculture)

**HB 141-L**, relative to the powers and authority of local police chiefs. (Fenton, Hills 24: Criminal Justice and Public Safety)

**HB 142**, relative to false residency forms and automobile insurance. (Hunt, Ches 10; R. Krueger, Sull 9: Commerce)

**HB 143-L**, requiring that SAU budgets be approved by vote at school district meetings. (Hunter, Hills 7; Emerton, Hills 7; Kurk, Hills 5; Fenton, Hills 24: Education)

**HB 144-FN**, relative to cash incentives paid to servants and agents, excluding commission employees, authorized to sell tickets. (R. Kelley, Hills 18: Local and Regulated Revenues)

**HB 145-FN**, relative to eligibility of certain group II retirement system members to transfer certain group I creditable service to group II creditable service. (Pantelakos, Rock 30: Executive Departments and Administration)

**HB 146**, relative to gifts by agents under general powers of attorney. (Carson, Rock 29: Judiciary and Family Law)

**HB 147**, relative to disclosure of certain information relating to tobacco products. (Buckley, Hills 44; Squires, Dist 12; Russman, Dist 19: Commerce)

**HB 148**, prohibiting a member of the state board of education from simultaneously serving as a state representative or senator. (Champagne, Ches 19; Belvin, Hills 14; Yeaton, Merr 10: Legislative Administration)

**HB 149-FN**, relative to the regulation of the profession of physical therapy. (Dodge, Rock 4: Executive Departments and Administration)

**HB 150-FN**, relative to the unlawful alteration of temporary motor vehicle registration plates. (Hunter, Hills 7; Fenton, Hills 24; Emerton, Hills 7: Transportation)

**HB 151-FN-L**, establishing comprehensive medical, physical, and psychological standards for law enforcement officers. (Pepino, Hills 40; Belanger, Rock 26; David Welch, Rock 18; Chase, Graf 6: Criminal Justice and Public Safety)

**HB 152**, relative to permissible fireworks. (Hunter, Hills 7; Fenton, Hills 24; Rubin, Rock 25: Criminal Justice and Public Safety)

**HB 153**, exempting emergency medical technicians from jury duty. (McKinney, Rock 29: Judiciary and Family Law)

**HB 154-L**, defining "legal resident" for purposes of school attendance. (Spear, Straf 5; Champagne, Ches 19; Snyder, Straf 14; Yeaton, Merr. 10; Thulander, Hills 6: Education)

**HB 155-L**, relative to the maintenance of roads within certain village districts. (Philbrick, Carr 4; Johnson, Dist 3: Public Works and Highways)

**HB 156**, eliminating straight ticket voting. (Manning, Ches 9; Kaen, Straf 7; Keans, Straf 16; Lozeau, Hills 30; Hunt, Ches 10; K. Wheeler, Dist 21: Election Law)

**HB 157**, prohibiting certain inducement practices in offering small consumer loans. (Melcher, Hills 11; Hunt, Ches 10: Commerce)

**HB 158**, creating a committee to study the establishment of a New Hampshire volunteer program. (Lovett, Graf 6; M. Fuller Clark, Rock 36: Executive Departments and Administration)

**HB 159-FN**, granting free hunting and fishing licenses to New Hampshire residents that are members of a federally recognized Indian tribe. (Babson, Carr 5: Wildlife and Marine Resources)

**HB 160-L**, authorizing the governing body of the town of Raymond to order an assessor's plat to clarify property ownership. (Lovejoy, Rock 12; Bishop, Rock 12; Dolan, Rock 12; Barnes, Dist 17: Municipal and County Government)

**HB 161**, relative to pecuniary benefit transactions by charitable trusts. (Hunt, Ches 10; Lindblade, Sull 7; Syracuse, Rock 33; Allen, Hills 1; M. Fuller Clark, Rock 36; Rubens, Dist 5; J. King, Dist 18: Commerce)

**HB 162**, eliminating the opportunity of a political party to submit a person's name for candidacy after the filing period for individuals has passed. (Kaen, Straf 7; Manning, Ches 9; Lamach, Merr 3; Jacobson, Merr 2: Election Law)

**HB 163**, repealing the law which requires the commissioner of health and human services to deny the application or renewal of the license of an emergency medical technician convicted of driving while intoxicated. (Dolan, Rock 12; Dodge, Rock 4: Commerce)

**HB 164**, relative to certain discussions under the right-to-know law. (Herman, Hills 13: Judiciary and Family Law)

**HB 165**, establishing a committee to study withdrawal from cooperative school districts. (Thulander, Hills 6: Education)

- HB 166**, extending the time frame for the annual school district meeting date to the last Saturday in April. (Kenney, Carr 6; J. Bradley, Carr 8; R. McKinley, Straf 2; Johnson, Dist 3: Education)
- HB 167**, changing the teacher nomination notification date from April 15 to May 15. (Kenney, Carr 6; J. Bradley, Carr 8; R. McKinley, Straf 2; Johnson, Dist 3: Education)
- HB 168**, establishing a joint committee on unfunded mandates. (Nowe, Rock 3; Beaulieu, Rock 10; Packard, Rock 29: Legislative Administration)
- HB 169**, prohibiting former state legislators from serving as lobbyists for 2 years after leaving the legislature. (Carson, Rock 29; Mittelman, Hills 37: Legislative Administration)
- HB 170-L**, exempting temporary, demountable, plastic-covered greenhouses from property taxation. (Owen, Merr 6; L. Pratt, Coos 4; Phinney, Graf 8: Local and Regulated Revenues)
- HB 171**, relative to the citizens advisory committee which advises the pesticide control board. (Babson, Carr 5; Hall, Hills 20: Environment and Agriculture)
- HB 172**, extending the reporting date for the committee studying the issue of the use and disposal of sludge or septage. (Babson, Carr 5: Environment and Agriculture)
- HB 173-L**, prohibiting further establishment or expansion of casino or video gambling in New Hampshire for 2 years. (French, Merr 3; Hansen, Hills 2; Haettenschwiller, Hills 29; Lovett, Graf 6; Sabella, Rock 13: Local and Regulated Revenues)
- HB 174-L**, relative to budgetary official ballot. (Jacobson, Merr 2; Rubens, Dist 5: Municipal and County Government)
- HB 175-FN**, authorizing the commissioner of the department of transportation to open the Hooksett toll to southbound traffic during the conclusion of the Winston Cup races. (Cobbin, Graf 11: Public Works and Highways)
- HB 176-FN**, increasing the license fee to hunt wild turkey. (Abbott, Rock 19: Wildlife and Marine Resources)
- HB 177-FN**, increasing the wild black bear license and tag fee. (Abbott, Rock 19: Wildlife and Marine Resources)
- HB 178-L**, limiting property taxes to 3 percent of the fair valuation of property in the city or town. (M. Brown, Merr 10; Dodge, Rock 4; Emerton, Hills 7; Steere, Ches 11; Beaulieu, Rock 10; Alger, Graf 9; Langer, Merr 11; Cobbin, Graf 11; Adams, Merr 9; P. Taylor, Hills 34: Local and Regulated Revenues)
- HB 179**, permitting elected city officials to serve as election officials. (Snyder, Straf 14; McCann, Straf 11: Election Law)
- HB 180**, establishing a study committee to examine changes to the law necessary to allow electronic corporations to incorporate in New Hampshire. (Aranda, Rock 13; Hunt, Ches 10; Below, Graf 13; S. Holley, Hills 28; Kurk, Hills 5; Russman, Dist 19; Pignatelli, Dist 13: Commerce)
- HB 181**, prohibiting the sale or distribution of exotic aquatic weeds. (Lamach, Merr 3: Resources, Recreation and Development)
- HB 182-FN**, requiring the department of transportation to hold a public hearing relative to the construction of a truck safety station on route 4 in Chichester. (M. Brown, Merr 10; Barnes, Dist 17: Public Works and Highways)
- HB 183**, relative to the state representative districts of towns. (Adams, Merr 9; Hall, Hills 20; Arnold, Hills 20; Flanagan, Rock 14: Election Law)
- HB 184-A**, requiring the state to reopen Mittersill ski area and making an appropriation therefor. (Hess, Merr 11; W. Williams, Graf 3; F. King, Dist 1: Public Works and Highways)
- HB 185-FN-A-L**, requiring the state to maintain the veterans' portion of the Park Cemetery in Tilton and making a continuing appropriation therefor. (Laflam, Belk 2: Public Works and Highways)
- HB 186-FN**, relative to fees for number plates. (Wheeler, Hills 7: Transportation)
- HB 187-FN-A**, relative to groundwater monitoring for pesticides and making an appropriation therefor. (Philbrick, Carr 4; Belanger, Rock 26; Owen, Merr 6; L. Pratt, Coos 4; F. King, Dist 1; Johnson, Dist 3; Pignatelli, Dist 13: Environment and Agriculture)
- HB 188-FN**, relative to the authority of the boxing and wrestling commission. (Beaulieu, Rock 10; Langer, Merr 11: Executive Departments and Administration)
- HB 189**, exempting occupants of rooms in transitional housing units operated by charitable organizations from the definition of "tenant" for the purposes of landlord/tenant laws. (Franks, Hills 26: Judiciary and Family Law)
- HB 190**, relative to interstate banking and branching. (B. Gage, Rock 26: Commerce)

**HB 191**, reducing the number of categories of pesticides from 3 to one. (Babson, Carr 5; Hall, Hills 20: Environment and Agriculture)

**HB 192**, exempting certain people from laws relative to the licensing of engineers. (Durham, Hills 22: Commerce)

**HB 193**, to amend the procedures for the election of officers in the Lebanon school district. (C. Brown, Graf 14; Akins, Graf 14; Guaraldi, Graf 14, Almy, Graf 14: Municipal and County Government)

**HB 194-FN**, requiring any person erecting, installing, maintaining or exercising control over a mooring on Ossipee Lake to obtain a mooring permit from the division of safety services, department of safety. (Lyman, Carr 5: Resources, Recreation and Development)

**CACR 1**, relating to a 4-year term for the office of governor. Providing that the governor shall be elected every 4 years. (Keans, Straf 16; Clay, Hills 4; Metzger, Ches 13: Election Law)

**CACR 2**, relating to reimbursement for travel expenses for members of the general court. Providing that members of the general court shall be reimbursed for actual and reasonable travel expenses incurred for legislative business with certain limitations. (Jacobson, Merr 2: Legislative Administration)

**CACR 3**, relating to authorizing counties to implement an income tax. Providing that a county may implement an income tax, provided that there is a binding referendum of the voters of the county and approval by the legislature. (Robertson, Ches 18: Local and Regulated Revenues)

**CACR 4**, relating to returning annual legislative sessions to biennial legislative sessions. Providing that the general court shall meet biennially. (J. McCarthy, Rock 24; Mock, Carr 3; Barnes, Dist 17: Legislative Administration)

**CACR 5**, relating to the status of supreme court rules. Providing that the supreme court rules shall no longer have the force and effect of law. (Adams, Merr 9; Stritch, Rock 5; Pepino, Hills 40: Judiciary and Family Law)

**CACR 6**, relating to term limits for state representatives and senators. Providing that the terms of office for members of the New Hampshire house and senate shall be limited to 12 consecutive years. (Weber, Graf 11; Cobbin, Graf 11: Election Law)

**CACR 7**, relating to term limits for United States Representatives and Senators. Providing that the terms of office for the members of the United States Congress from New Hampshire shall be limited to 12 consecutive years, so long as such restriction does not violate the United States Constitution. (Weber, Graf 11; Cobbin, Graf 11: Election Law)

## RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 9, 1997 at 11:00 a.m.

Adopted.

## RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills only. Adopted.

The House recessed at 1:45 p.m.

## RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 3

Thursday, January 9, 1997

The House assembled at 11:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Rep. Lindblade.

Almighty God, as we gather on this momentous day, a day of change and a day of new beginnings, make us also mindful of that cloud of witnesses, those who have been here before us and labored for this state. Now, we would ask that all who serve the state of New Hampshire, in whatever capacity, have Thy favor and Thy blessing. Amen.

Reps. Burling and Ann Torr led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Flint and Leber, the day, illness.

Reps. Cobbin, Patricia Cote, Henry Coulombe, Yvonne Coulombe, Hart, Feng, Mirski, Morris, Musler, Arthur Pelletier and Marsha Pelletier, the day, important business.

Rep. Weber, the day, illness in the family.

### INTRODUCTION OF GUESTS

Brenda Major, wife of Rep. Major.

### RESOLUTION

Reps. Wheeler and Burling offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives is ready to meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, and for the Inauguration of the Governor, the Honorable Jeanne Shaheen, and for the taking of the oath by the Executive Council.

Adopted.

### SENATE MESSAGE

The Honorable Senate is ready to meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, for the Inauguration of the Governor, the Honorable Jeanne Shaheen, and for the taking of the oath by the Executive Council.

### JOINT CONVENTION

(Speaker Sytek Presiding)

The Sergeant-at-Arms introduced the Honorable Senate and Senate President, Joseph L. Delahunty.

### INTRODUCTION AND SEATING OF SPECIAL GUESTS

The Sergeant-at-Arms introduced the following who were escorted to their seats by the Governor's Military Staff:

The family and friends of Governor-elect Shaheen. Hon. Joseph DiClerico, Jr., Chief Justice of the U.S. District Court; Associate District Court Justices and their guests. Hon. John R. Maher, Administrative Judge of the Probate Court. Hon. Edwin W. Kelly, Administrative Judge of the District Court and Mrs. Kelly. Hon. Joseph P. Nadeau, Chief Justice of the Superior Court and Mrs. Nadeau. The Associate Justices of the Superior Court and their guests. The Associate Justices of the Supreme Court and their guests. Hon. David Brock, Chief Justice of the Supreme Court and Mrs. Brock. Former Governor Hugh Gregg and Mrs. Gregg. Former Governor Walter Peterson and Mrs. Peterson. Former Congressman Norman E. D'Amours and Mrs. D'Amours. Former Congressman Richard Swett and Mrs. Swett. Former Senator John A. Durkin. Congressman Charles Bass. Senator Judd Gregg and Mrs. Gregg. Senator Robert C. Smith. Attorney General Jeffrey Howard and Mrs. Howard. United States Attorney Paul Gagnon. State Treasurer Georgie A. Thomas. Deputy Secretary of State Robert P. Ambrose. The House Leadership. The Senate Leadership. The Rever-

end Clergy. The Council-elect: Raymond S. Burton; Peter J. Spaulding and guest, Esther Spaulding; Ruth L. Griffin and guest, Jason Recher; James A. Normand and guests, Lynn, Peter and Justin Normand; Bernard A. Streeter, Jr. and Mrs. Streeter. Ambassador of Austria, Helmut Tuerk. Consul General of Austria, Walter Greinert. Governor Stephen E. Merrill and Mrs. Merrill. Belle Bowers, mother of Governor-elect Shaheen. Stephanie Shaheen and her fiancée, Craig Welch, and Stacy and Molly Shaheen, daughters of Governor-elect Shaheen. Governor-elect Jeanne Shaheen and Mr. Shaheen.

### REPORT

Sens. Blaisdell and Podles and Reps. LaMott, Copenhaver and Flanagan offered the following report:

The Joint Committee appointed to compare and count the votes for Governor and Executive Council reports that it has attended to its duties and the vote is correct.

### INVOCATION

The Invocation was offered by the Most Reverend Leo E. O'Neil, Bishop of Manchester. Gracious God, you give us this noon ceremony to remind us we need not wait 'til Sunday to be assured that the New England Patriots are victorious. To this gathering today come men and women seeking your blessings as they begin a year of service to "we the people" of New Hampshire. Bless them with the gift of silence, for these men and women who write, judge, or execute our laws must first of all listen. All speech is babble, all debate confused, all proclamations null, until the voice of the powerless, the cry for justice, the thundering protest against violence are heard. Here, in this chamber there must be silence so that our Constitution may whisper guidance and Your Holy Spirit break through the barriers of clashing noise and lead to the quiet task of righteous discernment. May these men and women who are the voice of the people accept the burden of becoming and remaining listeners. Gracious God, bless our governor, Jeanne Shaheen, sustain and strengthen her for weariness is the partner of responsibility; criticism, the companion of leadership; honest anguish, the spouse for right judgment. Grant her the gift of confidence which empowers her to burst through the security of inaction and the fear of renewal that paralyzes and holds us captive to indifference. Grant her a heart of joy, courageous enough to pierce the gloom of doubt and empower her to rally all of us to the heights of hope. Bless this woman who takes her place in history today - not so much because she is a first but because she comes to dedicate all her strength, all her talent, her whole person to accept once more the enduring but often forgotten biblical and constitutional truth: There is no power but the power to serve and all other power is ultimately chaos. Bless this generous woman. May her husband and her children sustain and strengthen her and be her healing and her consolation. Lord, make all of us remember that life is a journey like traveling on 101 East. "It's a trip" they say trying to figure which way the pieces fit together where the road goes, and how it gets there wandering about like us when we pray. But I bet anyone, even before it's done, as they move away the cranes, will sit bumper-to-bumper and say, "I told you they needed four more lanes." Enough is never enough so we'll complain (sort of like us when we pray). No wonder God unfolds His constructions, makes His interconnections without our consultations except, of course, in His prayer. (Thy will be done.) The surprise of all God's startling symmetry is that we're the masterpiece and all is grace. Thank God for prayer! Lord, grant us all the gift of listening as we pray, then we shall fulfill the injunction of Micah, the prophet. Only three things are required of us: to act with justice, to love tenderly and to walk humbly with our God. And then we will truly be victorious New England Patriots. We make our prayer in You who live and reign, God, forever and ever. Amen.

### POSTING OF COLORS

The New Hampshire National Guard posted the Colonial and Traditional Colors.

### PLEDGE OF ALLEGIANCE

The Kindergarten Class from Rumford Elementary School in Concord led the Pledge of Allegiance.

### NATIONAL ANTHEM

The National Anthem was sung by Rawn Spearman from Nashua.

### PRAYER

A prayer for peace and thanksgiving was offered by Father Peter Chamberas, Dean of St. George Greek Orthodox Cathedral in Manchester.

In the name of the Father, the Son and the Holy Spirit.

Heavenly Father, it is proper and right during this solemn and joyful inauguration ceremony to lift our minds and hearts toward heaven in praise and glorification of Your Holy name and to express our heartfelt thanksgiving to You for raising up a distinguished civic leader in the person of Jeanne Shaheen, who today begins her first term as Governor of the State of New Hampshire. Lord God, humbly yet fervently, we beseech You to bless all civil authorities who gather in this historic building and to empower them with Your divine spirit to serve well the people of this state. Especially today, Lord, we pray and ask for Your favored blessings to come upon Your favored servant, Governor Jeanne Shaheen. Lord, bless her and her family with the gift of peaceful love and harmony and hope so that the first family of this state may be a source of inspiration and support to all the families of New Hampshire, for it is in Your divine plan of salvation that the family be the basic building block of any enlightened and free society. Provide for her the health and the energy of body and spirit to apply her so fully to the many diverse issues and concerns of the day that are complex and demand resolution. As a woman of faith who has placed her hope and her trust in You, Lord, grant her the gift of wise perseverance to stay on the course that is straight and true. Grant her, also, the grace and the courage to think, to speak and to do that which is true and which serves best the people of this state. So strengthen her loyalty to You, Lord, that she may now and always choose Your will as her will, Your way as her way and Your peace as her peace. Fire her mind and heart with the clear vision of a more Godly, a more compassionate society where justice and opportunity will prevail for all the people of this state. Enable her to so execute the powers and privileges of her high office that social evils and wrongs may be eradicated while legislation and programs for the improvement of family and social life may be prudently and effectively enacted throughout the state. Finally, Lord, we pray that Your faithful servant, Governor Jeanne Shaheen, be empowered by Your Holy Spirit to maintain an undistorted vision, a clear and true vision of our American nation. A nation under God, indivisible, with liberty and justice for all. These blessings for Your servant, Jeanne Shaheen, Governor of the State of New Hampshire we humbly and fervently ask from You, Lord, God in Trinity, and to You we ascribe glory and thanksgiving and worship to the Father and the Son and the Holy Spirit, now and always. Amen.

### OATHS OF OFFICE

Chief Justice David A. Brock administered the oath of office to Governor-elect Jeanne Shaheen. Governor Shaheen administered the oath of office to the Honorable Executive Councilors-elect, Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, James A. Normand and Bernard A. Streeter, Jr.

### PRAYER

A Prayer for a successful administration was offered by Reverend Ruth Boling of the Bedford Presbyterian Church.

God our Sovereign, look with mercy on us this day, and especially on Your servant, Jeanne Shaheen. Accept our praise and thanks for Your powerful hand that has guided, prodded, cautioned, groomed and prepared Jeanne Shaheen to become the first woman Governor of the State of New Hampshire. Work Your will in and through her in the months to come, that she may govern Your people with energy, intelligence, imagination and love. Steer her through the tangle of issues, ideals and interests that will vie for her attention. Fortify her mightily with the unwavering conviction that it is her vocation to embody Your compassion and Your justice in all her earthly dealings, after the example of her Lord Jesus Christ. Through her example, may other women and girls begin to imagine themselves as leaders in their own right. God our strength, give to our new first family the wherewithal to make the sacrifices of time and privacy that will be exacted of them in fulfilling their obligations. When they fall short, give them grace to laugh at themselves, forgive themselves, seek Your forgiveness and listen for Your divine laughter. God our hope, we pray as well for our Executive Council, our House of Representatives and our Senate, the General Court, judges, magistrates and for all government workers. May their actions serve to keep stable the fabric of society, yielding a more abundant life for all. God of wisdom, inspire Governor Jeanne Shaheen and this administration to appeal to what is best in us, engaging not our fears but our hopes, not our

cynicism but our truthfulness, not our penchant for easy answers but our seasoned understanding that complicated problems call for complicated solutions, not our smallest, meanest selves but ourselves when we are larger, wiser, truer and more noble than we had known we were. May all who hold power hold it reverently, use it reluctantly, and share it readily. God who knows us all by name, use this historic day to inspire the rest of us who are not elected officials; do not let the sun go down until each of us has made, privately, an oath of public service of our own, unique to our gifts and callings. Sustained by the example of those who have gone before, called to accountability by those who follow close on our heels, and entreating Your presence with us Almighty God, we pledge to add our ounce of effort to the successful workings of this administration, and of its gifted leader, our Governor Jeanne Shaheen. All to the glory of Your Holy Name. Lord in Your wide mercy, hear our prayer. Amen.

### SCRIPTURE READING

Reverend H. Paul Boackle of St. George Maronite Roman Catholic Church in Dover read the 101st Psalm:

I will sing of loyalty and of justice. To Thee O Lord I will sing. I will give heed to the way that is blameless. Oh, when will Thou come to me? I will walk with integrity of heart within my house. I will not set before my eyes anything that is base. I hate the work of those who fall away. They shall not cleave to me. Perverseness of heart shall be far from me and I will know nothing of evil. Him who slanders his neighbors secretly, I will destroy. The man of haughty looks and arrogant heart, I will not endure. I will look with favor on the faithful in the land that they may dwell with me. He who walks in the way that is blameless shall minister to me. No man who practices deceit shall dwell in my house. No man who utters lies shall continue in my presence. Morning by morning I shall destroy all the wicked in the land, cutting off all the evil doers from the city of God. Praise be to God always.

### SALUTE TO GOVERNOR JEANNE SHAHEEN

Members of a fourth grade class from Bedford Memorial School performed two original songs. "The President's Song" and "New Hampshire's Famous People."

### POEM

New Hampshire Poet Laureate, Donald Hall, read his poem, "A Sister on the Tracks."

### INAUGURAL ADDRESS

The Governor delivered her Inaugural Address:

Madam Speaker, Mr. President, Mr. Chief Justice, honorable members of the Executive Council and the House and Senate.

Thank you for the honor you have given me and the sacred trust you have placed in me. It is a very special privilege.

To all of you in this chamber today and to every citizen of our great state, I pledge my full devotion to the solemn oath I have just taken.

This is an historic moment for our state. This magnificent building is the oldest state capitol in the nation that still serves as a legislative chamber. In this historic building, I stand before you as the thankful daughter of two hardworking parents, as the grateful wife of a loving and supportive husband, as the proud mother of three wonderful daughters—wake-up, Molly—and now, as the first elected woman Governor of the State of New Hampshire.

I am honored and proud to share this important day in our state's history not just with New Hampshire's other daughters and wives and mothers, but with all of the people of the state of New Hampshire. I am equally proud and honored to be part of a long New Hampshire tradition of steadily opening the doors of democratic government. This tradition started with Marilla Ricker, a courageous woman who first tried to vote in Dover in 1870 and in 1910 dared to file her candidacy for governor of New Hampshire. This tradition continued last month, when the House of Representatives elected its first woman speaker. Madame Speaker, let me congratulate you on your historic election.

But as I have said before, I did not seek this office to make history but to make a difference in the lives of the people of New Hampshire. This is my promise to the people of this great state: I will work to bring people together to solve the problems we face.

Together we will make our government work better. And this, too, is my challenge to the people of New Hampshire, because if we are to succeed, we must write these new chapters in New Hampshire history together. We must focus on what is important to our families and our future. We must work together to make our dreams real. Instead of allowing fear to divide us, we must let hope bring us together. Above all, we must never forget this simple truth: New Hampshire belongs to all of us.

And so, today, I invite every New Hampshire citizen to become a part of our history and a part of our future. If you have an idea about how to improve the quality of life in our state, I want to hear it. If you know a way to help our state government work better, I want you to share it with me. If there is something that you or your business or your school or your community is doing right and the rest of us can learn from it, I want to see it.

I am going to listen and I'm going to learn. And with your help, we will take action to meet the challenges that we face. We will improve our schools. We will lower our electric rates. We will protect health care and create good jobs that build our economy.

Beginning in these first days as Governor and continuing through every day of my service, the door to my office will be open to the people of New Hampshire. To those in this chamber today who share the responsibility of elected state office and to our dedicated state employees, let me extend this invitation to you as well. The door of the Governor's office stands open to you and to your ideas.

In the days ahead we will not always agree on every issue. But let us agree from the beginning that no political party is the sole font of wisdom; that name-calling never solved a single problem; and that democratic government is about tending to the people's business. The people of New Hampshire are not looking to us for partisanship; they want leadership. So let us provide it.

Leadership requires us to recognize the difference between what makes New Hampshire special and what threatens its future; between what must be protected and what can no longer be tolerated as the status quo.

I will soon be presenting a budget for the next biennium. Budget hearings held recently by Governor Merrill made clear there are more requests than there is money. Let me be equally clear: the budget I present will be balanced, and it will not include a broad-based sales or income tax.

I said during my campaign and I will say it again now: I will not propose or support such a tax, and if this legislature passes one, I will veto it.

This is a New Hampshire tradition I will preserve. But there are others we must change.

For too long, we have been paying the highest electric rates in the nation. They constitute a hidden tax, taking money away from families already struggling to make ends meet. They are increasing the costs of running our businesses, our towns and our state.

We have already taken the first steps toward introducing competition into the electric industry. We must continue down that path to competition with steadfast resolution, but we must seek to avoid a lengthy court battle that could further threaten our economic competitiveness. Our task is clear: high electric rates are a threat to our economic future, and they must come down.

We must make sure that quality health care is affordable and accessible to all our families. The increasing number of families who rely on managed care should be protected from practices that put profits first and patients second. And as our population ages, we must develop alternatives to costly nursing home care, alternatives that allow our senior citizens to remain at home and in their communities.

We must put in place a comprehensive plan that will strengthen and build our economy. We must do better at coordinating state agencies and promoting programs that stimulate investment and growth. We must have a state where a clean environment and safe streets are a central ingredient of economic prosperity. Everything we do must move New Hampshire toward the same goal: building a state of good-paying jobs, hardworking people, and secure and thriving families.

And let us agree on this: our future depends on the quality of education we provide our children. To compete successfully in the 21<sup>st</sup> century, New Hampshire must have citizens who are better prepared and better educated.

So let me state this as strongly as I can: I will make education a priority – in my budget, in my appointments, and in the full weight and visibility of this office.

Without intruding upon the tradition of local control, the state has a vital role to play in education. It must provide leadership.

As Governor, I will soon be convening an education summit to focus on this most critical issue. This education summit will bring together teachers and parents, administrators and academics, students and business people – every sector of our society. Our goal will be to create an action plan to ensure that education in New Hampshire helps our children meet the challenges of the next century. Because the quality of our schools and the education our children receive affect every one of us.

But there are some things we already know we must do. In New Hampshire, public education should begin with kindergarten.

We are the only state in the nation in which public kindergarten is not available to every five-year-old. Many states are now moving beyond kindergarten, offering public pre-school programs to three- and four-year-olds. They understand that an earlier start equals a better student; a better student makes a better worker and citizen; and better citizens and workers build stronger communities. All of us were charmed and impressed by the kindergarten students from the Rumford School here in Concord who led us in the Pledge of Allegiance earlier. Let us pledge to these boys and girls that we will not rest until the opportunity of public kindergarten is extended to every five-year-old in every school system in every town in New Hampshire.

For too long the vital issue of education has been sidetracked into arguments about ideology and politics. And each time that's happened, valuable time and scarce resources have been wasted. Each time, the distractions of politics have robbed a little more from our children's and our state's future. Let me assure every citizen of New Hampshire that those days are over.

We are here to serve the people of New Hampshire. They are not interested in whether we are Republicans or Democrats, liberals or conservatives, men or women. What they expect from us is results, or at least an honest effort to achieve them. That is our responsibility to the people of this great state. That is how they and history will judge us.

After all, history is not only comprised of epic events, but also of the quiet, steady work of people striving together to make tomorrow a little better than today.

For now, join me in celebrating this moment. And tomorrow let us begin the quiet, steady work of the people. Let us do it without acrimony or bitterness. Let us do it without petty partisanship. And let us do it together. For then, we will truly make history.

Thank you all very much.

### BENEDICTION

Rabbi Wesley Michael Odell of Temple Israel in Dover offered the Benediction.

N'varech et M'kor HaChaim. We bless the Source of Life and we are blessed when we see the value in every living thing. N'varech et M'kor HaEmet. We bless the Source of Truth and we are blessed when we live as if every word we speak matters. N'varech et M'kor HaBriut. We bless the Source of Health and we are blessed when we challenge our own fear to care for the sick and dying among us. N'varech et M'kor HaTzedek. We bless the Source of Justice and we are blessed when we treat each other as equals without the barriers of bigotry and intolerance. N'varech et M'kor HaRachamim. We bless the Source of Mercy and we are blessed when we show real kindness to others without any benefit to us. N'varech et M'kor HaNefesh. We bless the Source of the Soul and we are blessed when we realize there is no "them" versus "us"; when we experience each other and ourselves as sparks of a single, eternal flame. N'varech et M'kor HaShalom. We bless the Source of Peace and we are blessed when we act not only for ourselves, but also for generations past and generations yet to be. Life, truth, health, justice, mercy, soul and peace belong to us when we live our responsibility for creating the world into the Eden of our dreams. Amen.

Rep. Wheeler and Sen. Barnes moved that the Joint Convention arise.

Adopted.

### RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 195 through 222, Constitutional Amendment Concurrent Resolutions numbered 8 through 10 and House Resolution numbered 9 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS, CACRs, and HR

#### First, second reading and referral

**HB 195-FN-A**, increasing the exemption amount under the interest and dividends tax. (Ferguson, Hills 13; Jacobson, Merr 2: Finance)

- HB 196-FN**, providing for the regulation of horticultural growing media. (Owen, Merr 6: Environment and Agriculture)
- HB 197-FN**, relative to the regulation of wetland scientists. (Dyer, Hills 8; M. Brown, Merr 10: Executive Departments and Administration)
- HB 198-L**, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction. (Fesh, Rock 13; Patten, Carr 9; Steere, Ches 11; Whipple, Dist 8: Local and Regulated Revenues)
- HB 199-FN**, to include highways designated as part of the National Highway System within the definition of "federal aid primary system" for purposes of the control of outdoor advertising. (K. Rogers, Merr 22; M. Fuller Clark, Rock 36; G. Chandler, Carr 1: Public Works and Highways)
- HB 200-FN**, prohibiting the use of leghold traps and "conibear" traps. (Vaillancourt, Hills 44; Hilliard, Straf 14; K. Wheeler, Dist 21; Cohen, Dist 24; Roberge, Dist 9: Wildlife and Marine Resources)
- HB 201-L**, allowing municipalities to apply the amount of a property tax abatement refund to outstanding taxes owed by the taxpayer. (Noyes, Rock 26: Local and Regulated Revenues)
- HB 202**, relative to the sale of air guns to minors and the use of air guns by minors. (Steere, Ches 11: Criminal Justice and Public Safety)
- HB 203**, relative to driving after a revocation or suspension of license. (Dolan, Rock 12; Knowles, Straf 11; Dodge, Rock 4; Christie, Rock 22: Transportation)
- HB 204-FN-L**, relative to transportation of arrestees, detained defendants, and prisoners and court control of arrestees, detained defendants, and prisoners. (Durham, Hills 22; Dokmo, Hills 14; LaRose, Hills 27; Daniels, Hills 13: Criminal Justice and Public Safety)
- HB 205-L**, relative to a generic ballot in unorganized places. (P. Bradley, Coos 6; Davis, Coos 1: Election Law)
- HB 206-FN-L**, requiring trailers and recreational vehicles used for storage or habitation to be either registered under the motor vehicle laws or subject to local property tax. (A. MacNeil, Graf 7; Phinney, Graf 8; Hinman, Graf 7: Local and Regulated Revenues)
- HB 207-FN**, relative to pesticide registration fees and making an appropriation therefor. (Philbrick, Carr 4; Owen, Merr 6; Belanger, Rock 26; F. King, Dist 1; Johnson, Dist 3; Pignatelli, Dist 13: Environment and Agriculture)
- HB 208-L**, relative to the status of county highways which are being maintained by towns. (Thulander, Hills 6: Public Works and Highways)
- HB 209**, relative to information required when applying for a New Hampshire driver's license. (R. Foster, Carr 10; J. Bradley, Carr 8; Howard, Carr 10; Johnson, Dist 3: Criminal Justice and Public Safety)
- HB 210**, requiring that an applicant to a planning or zoning board wishing to subdivide property supply the names of holders of conservation or preservation restrictions on the subdivision property, who will then be notified by the board. (Metzger, Ches 13; Hager, Merr 18: Municipal and County Government)
- HB 211**, defining the terms "psychological injury" and related terms under the child protection act. (Hess, Merr 11; I. Pratt, Ches 5; C. Moore, Merr 19; Richardson, Ches 12; Podles, Dist 16: Judiciary and Family Law)
- HB 212**, removing the provision allowing a motor vehicle operator to produce a license within 48 hours of demand by a police officer. (Dolan, Rock 12; Christie, Rock 22: Transportation)
- HB 213**, establishing a committee to study the issues of licensing of psychologists, pastoral counselors, clinical social workers, mental health counselors, and marriage and family therapists. (Dyer, Hills 8; M. Brown, Merr 10; Emerton, Hills 7: Executive Departments and Administration)
- HB 214**, relative to forest product purchasers and loggers. (Laflam, Belk 2; Dickinson, Carr 2: Resources, Recreation and Development)
- HB 215**, relative to taxation of discretionary easements. (Philbrick, Carr 4; Owen, Merr 6: Municipal and County Government)
- HB 216**, relative to municipal budgets. (Brundige, Hills 18; Coes, Rock 19; L. Foster, Hills 10; Roberge, Dist 9: Municipal and County Government)
- HB 217**, relative to outdoor advertising hearings in the department of transportation. (Pfaff, Merr 11: Public Works and Highways)
- HB 218-L**, clarifying that local health officers are state employees for purposes of defense and indemnification of lawsuits filed against them. (Burnham, Ches 8; Avery, Ches 8, Haettenschwiller, Hills 29: Judiciary and Family Law)

**HB 219-L**, repealing provisions relative to literacy instruction and the committee to study literacy and remedial instruction. (Spear, Straf 5; Champagne, Ches 19; Snyder, Straf 14; Feng, Hills 23: Education)

**HB 220**, to establish new state representative districts for the city of Laconia. (Turner, Belk 7; Fraser, Dist 4: Election Law)

**HB 221**, prohibiting out-of-state sweepstakes conducted by mail. (Leonard, Hills 39: Criminal Justice and Public Safety)

**HB 222-L**, relative to pooled risk management programs. (Jacobson, Merr 2: Commerce)

**CACR 8**, relating to increasing the executive council membership and the number of executive council districts. Providing that the executive council shall be increased from 5 to 10 members, and the number of executive council districts shall be increased from 5 to 10. (G. Brown, Straf 17; M. Fuller Clark, Rock 36; Hilliard, Straf 14; Peter Cote, Hills 32: Election Law)

**CACR 9**, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. (Mirski, Graf 12: Election Law)

**CACR 10**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute adopted by the legislature. (G. Brown, Straf 17; Peter Cote, Hills 32: Municipal and County Government)

**HR 9**, urging local school districts to require interaction between educationally disabled pupils and nondisabled pupils for academic credit. (Leonard, Hills 39: Education)

### RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, January 29, 1997 at 1:00 p.m. Adopted.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills only. Adopted.

The House recessed at 1:25 p.m.

### RECESS

(Rep. Cooper in the Chair)

### RESOLUTION

Rep. Thulander offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 223 through 236, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

### INTRODUCTION OF HOUSE BILLS

#### First, second reading and referral

**HB 223-FN-L**, providing that catastrophic aid for special education shall be fully funded. (W. Riley, Ches 7; Ferguson, Hills 13; McKinley, Straf 2; Champagne, Ches 19; Bonneau, Ches 2; Hollingworth, Dist 23; Gordon, Dist 2; Russman, Dist 19; Squires, Dist 12; Cohen, Dist 24: Finance)

**HB 224-FN-L**, delaying the start date for the auto emissions inspection program. (J. Bradley, Carr 8; Below, Graf 13; MacGillivray, Hills 21; McGovern, Rock 35; Lamach, Merr 3; Russman, Dist 19; Pignatelli, Dist 13; Johnson, Dist 3; Cohen, Dist 24; Fraser, Dist 4: Science, Technology and Energy)

**HB 225-FN**, requiring the commissioner of health and human services to establish a needle exchange pilot program. (C. Kane, Rock 32; Copenhagen, Graf 10; O'Keefe, Rock 21; Sargent, Hills 3; Amidon, Hills 9; Blaisdell, Dist 10; Cohen, Dist 24; Hollingworth, Dist 23: Health, Human Services and Elderly Affairs)

**HB 226**, relative to the composition of the aviation users advisory board. (Weyler, Rock 18; G. Katsakiores, Rock 13: Transportation)

**HB 227-L**, relative to North Hampton property taxes. (Rubin, Rock 25: Local and Regulated Revenues)

**HB 228**, relative to the definition of "club-veterans" under the liquor laws. (Fenton, Hills 24; Hunter, Hills 7; Vincent, Straf 14; Rubin, Rock 25; Y. Coulombe, Coos 7: Local and Regulated Revenues)

**HB 229-FN-A-L**, establishing a reading recovery training program and making an appropriation therefor. (Guest, Graf 10; W. Riley, Ches 7; Durham, Hills 22; Yeaton, Merr 10; O'Hearn, Hills 26; Gordon, Dist 2; Larsen, Dist 15: Education)

**HB 230**, establishing a committee to study the school building aid system. (Stone, Rock 7; Hawkinson, Coos 7; Lynch, Ches 19; Ferguson, Hills 13; Nichols, Merr 2; Barnes, Dist 17; J. King, Dist 18: Education)

**HB 231-FN-L**, imposing a penalty on motor vehicle operators under 20 years of age if the operator is convicted of any violation offense involving the operation of a motor vehicle. (Christie, Rock 22; G. Katsakiores, Rock 13; Gleason, Rock 13; Podles, Dist 16: Transportation)

**HB 232-FN**, prohibiting the carrying of firearms and certain other weapons into certain state buildings by persons other than law enforcement personnel. (Morello, Hills 38; Chabot, Hills 48; Sargent, Hills 3; Copenhagen, Graf 10; L. Johnson, Hills 40: Criminal Justice and Public Safety)

**HB 233-FN**, making failure to provide child support a class B felony. (Carson, Rock 29: Criminal Justice and Public Safety)

**HB 234-FN-L**, relative to disposition by counties of funds of deceased patients of county nursing homes. (Brundige, Hills 18; Patten, Carr 9; Lefebvre, Hills 31; Roberge, Dist 9: Judiciary and Family Law)

**HB 235-FN-L**, requiring a special election to be held when a vacancy occurs in the office of county sheriff. (Malcolm, Rock 22; David Welch, Rock 18: Election Law)

**HB 236-FN**, to include a person who is being stalked in the definition of "family household member" for purposes of the domestic violence law. (Nowe, Rock 3: Criminal Justice and Public Safety)

## RECESS

### (Speaker Sytek in the Chair)

The Speaker appointed Reps. John W. Flanders, John Anthony Simmons, Maxwell D. Sargent, David M. Lawton and Lawrence J. Guay as Assistant Majority Whips. Reps. George N. Katsakiores, Robert W. Foster and Natalie S. Flanagan were appointed Chairmen Emeritus. Rep. Ann M. Torr was appointed Majority Leader Emeritus.

The Democratic Leader appointed Reps. Cynthia McGovern, Carol Moore and Daniel Burnham as Assistant Democratic Leaders.

## RECESS

### (Rep. Holden in the Chair)

## RESOLUTION

Rep. Langley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 237 through 255 and Constitutional Amendment Concurrent Resolution numbered 11, House Concurrent Resolution numbered 1, and House Resolution numbered 10, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, CACR, HCR AND HR

### First, second reading and referral

**HB 237**, authorizing the board of barbering, cosmetology, and esthetics to adopt rules relative to conditions and standards for persons engaged in demonstrating the use of any machine or other article for purposes of sale. (Whitemore, Merr 13: Executive Departments and Administration)

**HB 238-FN**, requiring certain vehicles to travel only in the right-hand lanes on highways. (Malcolm, Rock 22: Transportation)

- HB 239**, requiring a child under 13 years of age to wear protective headgear when riding a bicycle. (Howard, Carr 10: Transportation)
- HB 240-FN-A**, increasing certain state employee salaries and making an appropriation therefor, and reducing the number of state employees. (M. Brown, Merr 10: Finance)
- HB 241**, relative to genetic testing. (Below, Graf 13; A. Merrill, Straf 8; Kurk, Hills 5; K. Wheeler, Dist 21: Commerce)
- HB 242**, requiring voter approval for any type of random drug testing within a school district. (Hunt, Ches 10: Education)
- HB 243**, requiring a conviction of a person wounding or killing a human being while hunting before the person's hunting license can be revoked. (L'Heureux, Hills 18; H. Coulombe, Coos 7; D. Wheeler, Dist 11: Wildlife and Marine Resources)
- HB 244**, allowing a municipality to prohibit sexually oriented businesses. (Rice, Belk 7; R. Foster, Carr 10; Knowles, Straf 11; J. Bradley, Carr 8; Bartlett, Belk 6; Johnson, Dist 3: Municipal and County Government)
- HB 245-FN-A**, making certain real estate transfers taxable. (Kurk, Hills 5; Weyler, Rock 18: Finance)
- HB 246**, making technical corrections to the business profits tax, interest and dividends tax, and the legacies and successions tax. (Weyler, Rock 18: Finance)
- HB 247**, requiring automobile insurance companies to offer uninsured motorist coverage as an insurance option, not a requirement. (Arnold, Hills 20: Commerce)
- HB 248-L**, prohibiting all persons except candidates who appear on the ballot from performing electioneering activities within 100 feet of the door of the polling place and relative to campaign signs held by candidates. (Vaillancourt, Hills 44: Election Law)
- HB 249**, clarifying the authority of local police officers to serve cease and desist orders against planning and zoning violations. (Dolan, Rock 12; Stone, Rock 7: Criminal Justice and Public Safety)
- HB 250-FN-L**, establishing a formal hearing process for board of tax and land appeals or court appeals limited to a review of the record for certain property tax abatement applications. (Noyes, Rock 26: Judiciary and Family Law)
- HB 251-FN-L**, reclassifying a portion of North Main Street in the town of Farmington from a class II to a class V highway. (Sullivan, Straf 3; G. Chandler, Carr 1; Spear, Straf 5; Tsiros, Straf 3; Fraser, Dist 4: Public Works and Highways)
- HB 252**, relative to posting of bylaws in advance of any town election. (Holden, Hills 14; MacIntyre, Hills 18: Election Law)
- HB 253-FN-L**, relative to special education services. (Ferguson, Hills 13: Education)
- HB 254**, relative to shared tenant telecommunication services. (J. Bradley, Carr 8; Howard, Carr 10; Johnson, Dist 3: Science, Technology and Energy)
- HB 255**, establishing a committee to study access to dental care for low-income, uninsured, and underinsured persons. (French, Merr 3; Manning, Ches 9; Copenhagen, Graf 10; Case, Rock 2; K. Wheeler, Dist 21; Squires, Dist 12: Health, Human Services and Elderly Affairs)
- CACR II**, relating to: legislative authority to limit noneconomic damage awards. Providing that: the general court shall have the authority to limit the amount of noneconomic damage awards granted in the state of New Hampshire. (Guaraldi, Graf 14: Judiciary and Family Law)
- HCR 1**, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes. (Noyes, Rock 26; F. Riley, Hills 44; Rubin, Rock 25; Fesh, Rock 13; Simmons, Rock 25; L. Jean, Hills 17: State-Federal Relations and Veterans Affairs)
- HR 10**, requesting that certain media entities refrain from prematurely proclaiming the winners in state and federal elections. (Pepino, Hills 40: Election Law)

## RECESS

### (Rep. Burling in the Chair)

## RESOLUTION

Rep. Copenhagen offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 256 through 275 and House Concurrent Resolution numbered 2, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HCR

### First, second reading and referral

**HB 256-FN**, establishing uniform adjudicative proceedings for state agencies and establishing a pilot program for adjudicative hearings. (Dodge, Rock 4; Steere, Ches 11; M. Brown, Merr 10; Whipple, Dist 8: Executive Departments and Administration)

**HB 257**, offering priority to qualified veterans for participation in training programs funded by the state or federal government. (R. Krueger, Sull 9; Fenton, Hills 24: State-Federal Relations and Veterans Affairs)

**HB 258-FN**, requiring financial institutions to display certain information on fees, charges, and available products in their lobbies. (Hunt, Ches 10; Adams, Merr 9: Commerce)

**HB 259-FN**, requiring all state forms requesting racial or ethnic status to allow for or include a biracial and a multiracial option. (Snyder, Straf 14; Keans, Straf 16; K. Wheeler, Dist 21: Executive Departments and Administration)

**HB 260**, defining "marriage" to mean a legal union between one man and one woman as husband and wife. (Mirski, Graf 12: Judiciary and Family Law)

**HB 261**, recodifying the insurance laws pertaining to hospital service corporations, medical service corporations, and nonprofit health service corporations (Blue Cross/Blue Shield). (Hunt, Ches 10: Commerce)

**HB 262-FN-A-L**, establishing a National Information Infrastructure oversight committee, authorizing the department of education to hire a technology consultant, and making an appropriation therefor. (Durham, Hills 22; O'Hearn, Hills 26: Education)

**HB 263-FN**, relative to viatical settlements which are settlements between an insurance provider and a policy holder or certificate holder with a life-threatening illness. (Lindblade, Sull 7; Kaen, Straf 7: Commerce)

**HB 264**, relative to technical committees advising the director of the office of information technology management on technical issues. (S. Holley, Hills 28; Lamach, Merr 3; Hunt, Ches 10; Drabinowicz, Hills 36; Hansen, Hills 2; Larsen, Dist 15: Executive Departments and Administration)

**HB 265**, repealing certain rulemaking authority of the commissioner of transportation. (G. Chandler, Carr 1; E. Smith, Ches 6; Whittemore, Merr 13; F. King, Dist 1; Johnson, Dist. 3: Executive Departments and Administration)

**HB 266**, relative to the Alzheimer's Special Care Disclosure Act. (C. Moore, Merr 19; Nordgren, Graf 10; Podles, Dist 16: Health, Human Services and Elderly Affairs)

**HB 267**, prohibiting petroleum-powered motors on Little Dan Hole Pond in the town of Ossipee. (Lyman, Carr 5: Transportation)

**HB 268-FN**, relative to the powers of the Pease development authority. (Syracusa, Rock 33; Hunt, Chest 10; M. Fuller Clark, Rock 36; Fraser, Dist 4; Cohen, Dist 24: Commerce)

**HB 269**, relative to the compensation of sweepstakes commissioners who are members of a multi-state lottery commission. (C. Brown, Graf 14: Executive Departments and Administration)

**HB 270-L**, allowing school districts to transfer permanent paper records onto electronic alternate media and destroy printed records. (O'Hearn, Hills 26; W. Riley, Ches 7: Education)

**HB 271**, establishing a committee to examine the effectiveness and efficiency of the multiple DWI offender intervention detention center program. (C. Brown, Graf 14; Blaisdell, Dist 10: Criminal Justice and Public Safety)

**HB 272**, relative to boat docking facilities. (Dickinson, Carr 2; Merritt, Straf 8; M. Whalley, Merr 5: Resources, Recreation and Development)

**HB 273-FN**, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age. (Cloutier, Sull 8; Gleason, Rock 13; M. Whalley, Merr 5; Copenhaver, Graf 10; Pilliod, Belk 3; Squires, Dist 12; K. Wheeler, Dist 21; Roberge, Dist 9; Pignatelli, Dist 13: Transportation)

**HB 274-FN-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. (Cloutier, Sull 8; Ferland, Sull 6; Flint, Sull 4; Lindblade, Sull 7; Whipple, Dist 8: Public Works and Highways)

**HB 275-A-L**, establishing the equipment grant program, and making an appropriation therefor. (Durham, Hills 22; O'Hearn, Hills 26: Education)

**HCR 2**, urging all school districts in the state of New Hampshire to implement peer mediation programs. (Copenhaver, Graf 10; Yeaton, Merr 10; McGuirk, Ches 1; Spear, Straf 5; Hansen, Hills 2; Fraser, Merr 21; McCarley, Dist 6: Education)

(Rep. Pfaff in the Chair)

**RESOLUTION**

Rep. Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 276 through 284, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

- HB 276**, relative to petitions for filing for a primary election. (Pepino, Hills 40: Election Law)  
**HB 277**, relative to the option to process absentee ballots before closing of polls. (McGovern, Rock 35: Election Law)  
**HB 278**, relative to the doctrines of adverse possession and prescription. (Bickford, Straf 1: Judiciary and Family Law)  
**HB 279**, relative to elderly exemptions from the property tax. (Varrell, Rock 9: Local and Regulated Revenues)  
**HB 280**, relative to uniform contracts for roofing contractors. (Hemon, Straf 11: Commerce)  
**HB 281**, relative to regulation of medical assistants. (Emerton, Hills 7: Executive Departments and Administration)  
**HB 282**, relative to enforcement of compliance by agencies with statutory authority for administrative rulemaking and other grounds for final objection by the joint committee on administrative rules. (M. Brown, Merr 10; Dodge, Rock 4: Executive Departments and Administration)  
**HB 283**, establishing a study committee to examine the parity of salary scales between state troopers and other law enforcement officers. (McGovern, Rock 35: Executive Departments and Administration)  
**HB 284**, establishing a study committee on the feasibility of combining the department of labor and the department of employment security. (Pepino, Hills 40; Buckley, Hills 44: Labor, Industrial and Rehabilitative Services)

**RECESS**

(Speaker Sytek in the Chair)

**RESOLUTION**

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 285 through 332, Constitutional Amendment Concurrent Resolution numbered 14, House Concurrent Resolution numbered 3, and House Resolution numbered 11, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS, CACR, HCR and HR****First, second reading and referral**

- HB 285**, relative to the official name of the "Old Man of the Mountain." (MacNeil, Graf 7; M. Fuller Clark, Rock 36; Phinney, Graf 8; LaMott, Graf 5; Hinman, Graf 7: Resources, Recreation and Development)  
**HB 286-FN-A**, lowering the rate of the interest and dividends tax. (Jacobson, Merr 2; Cooper, Carr 2; Kenney, Carr 6; Rubens, Dist 5: Finance)  
**HB 287-L**, relative to publication of annual reports by school districts. (Nowe, Rock 3: Municipal and County Government)  
**HB 288**, requiring a vote of 60 percent of the house and senate to pass any spending bill. (Cobbin, Graf 11: Finance)  
**HB 289-L**, authorizing annual school district meetings to be held at multiple locations. (Lamach, Merr 3: Education)  
**HB 290**, relative to electronic signatures. (Lamach, Merr 3: Judiciary and Family Law)

- HB 291**, relative to the use of the terms "native," "local," and "our own" when referring to farm products. (Owen, Merr 6: Environment and Agriculture)
- HB 292-L**, limiting the damages which may be received by an uninsured motorist from an insured motorist's automobile liability coverage. (Belvin, Hills 14: Commerce)
- HB 293**, regulating the marking and identification of swim floats. (G. Bartlett, Belk 6; R. Foster, Carr 10; Rice, Belk 7; Peter Cote, Hills 32; Johnson, Dist 3: Resources, Recreation and Development)
- HB 294-L**, relative to the placement of off-premises advertising devices in municipalities which prohibit such advertising devices. (G. Chandler, Carr 1; Mock, Carr 3; Johnson, Dist 3: Public Works and Highways)
- HB 295-L**, authorizing a cooperative school district board to establish polling places in each member town. (Lyman, Carr 5; Howard, Carr 10; Patten, Carr 9; Johnson, Dist 3: Municipal and County Government)
- HB 296**, relative to airways toll moneys and aircraft operating fee revenues. (Weyler, Rock 18; G. Katsakiores, Rock 13; Milligan, Hills 18: Transportation)
- HB 297**, relative to the cutting of vegetation by utilities on private property. (Owen, Merr 6: Science, Technology and Energy)
- HB 298**, permitting legislators to take time off from their regular employment to fulfill public responsibilities. (Bickford, Straf 1: Labor, Industrial and Rehabilitative Services)
- HB 299**, relative to property tax assessments of new buildings during the property tax year. (Varrell, Rock 9: Municipal and County Government)
- HB 300**, establishing a study committee on judicial pensions. (Kurk, Hills 5; Wheeler, Hills 7: Judiciary and Family Law)
- HB 301**, relative to real estate broker's and agent's representation of buyers. (Franks, Hills 26: Commerce)
- HB 302**, renaming Scott Pond in the town of Fitzwilliam, N.H. as West Scott Pond and East Scott Pond. (Richardson, Ches 12; Metzger, Ches 13; Municipal and County Government)
- HB 303**, relative to accountancy. (Beaulieu, Rock 10: Executive Departments and Administration)
- HB 304-L**, relative to permitting local law enforcement agencies to receive grants-in-aid from the bureau of trails for enforcement of public trail restrictions. (Beaulieu, Rock 10; Nowe, Rock 3: Transportation)
- HB 305-A**, relative to the rehabilitation of the Walker building and making an appropriation therefor. (Calawa, Hills 17; M. Fuller Clark, Rock 36: Public Works and Highways)
- HB 306**, relative to highway speed limits. (M. Brown, Merr 10: Transportation)
- HB 307**, relative to the adoption of local river corridor management plans by planning boards. (Metzger, Ches 13; L., Pratt, Coos 4; Schotanus, Sull 3: Resources, Recreation and Development)
- HB 308**, relative to opening hours for polling places. (Burnham, Ches 8: Election Law)
- HB 309**, increasing the time for a local legislative body to act on a proposed interim zoning regulation. (L. Foster, Hills 10: Municipal and County Government)
- HB 310**, repealing RSA 14-B, relative to the legislative ethics committee. (Hemon, Straf 11: Legislative Administration)
- HB 311-L**, giving municipalities the option of authorizing their governing bodies to enter into discretionary easements on certain agricultural buildings. (McKinney, Rock 29: Municipal and County Government)
- HB 312**, establishing a procedure for making and accepting offers of judgment in civil cases. (Herman, Hills 13: Judiciary and Family Law)
- HB 313**, clarifying the authority of security officers on the New Hampshire hospital campus. (Calawa, Hills 17: Criminal Justice and Public Safety)
- HB 314**, relative to spending caps for state political candidates. (Simmons, Rock 25; Noyes, Rock 26: Election Law)
- HB 315-L**, expanding certain financial powers of village districts. (G. Chandler, Carr 1; Mock, Carr 3; Johnson, Dist 3: Municipal and County Government)
- HB 316**, allowing cosmetologists to employ shampoo assistants. (Patten, Carr 9: Executive Departments and Administration)
- HB 317**, clarifying certain provisions of law relating to compulsory attendance for home education pupils and relative to dual enrollment provisions. (Thulander, Hills 6; McKinley, Straf 2: Education)

- HB 318**, making technical changes to the provisions relating to school administrative units. (Thulander, Hills 6; Champagne, Ches 19; Rubens, Dist 5: Education)
- HB 319**, relative to access to child immunization records. (Copenhaver, Graf 10; O'Keefe, Rock 21; Roberge, Dist 9; Podles, Dist 16: Health, Human Services and Elderly Affairs)
- HB 320**, requiring attorneys in divorce cases to provide clients with a statement of client's rights and responsibilities and a retainer agreement containing certain information, and subjects attorneys to certain other procedures in divorce cases. (Hemon, Straf 11; P. Taylor, Hills 34: Judiciary and Family Law)
- HB 321**, correcting a reference to the American Podiatry Association. (B. Gage, Rock 26: Health, Human Services and Elderly Affairs)
- HB 322**, relative to bingo and lucky 7 inspectors. (Tholl, Coos 5: Executive Departments and Administration)
- HB 323**, establishing a right to work act which provides for freedom of choice on whether to join a labor union. (Larrabee, Merr 9: Labor, Industrial and Rehabilitative Services)
- HB 324**, relative to the qualifications of bank examiners. (Dodge, Rock 4; Coes, Rock 19; M. Brown, Merr 10: Commerce)
- HB 325**, eliminating the correctional industries advisory board. (Knowles, Straf 11: Criminal Justice and Public Safety)
- HB 326**, requiring that parties filing for divorce attempt a mutually agreeable divorce settlement through mediation prior to proceeding with the adversarial process. (Hemon, Straf 11: Judiciary and Family Law)
- HB 327**, relative to pledges for loans, finance charge disclosure statements, and debt adjusters. (Hunt, Ches 10: Commerce)
- HB 328-L**, requiring certain proof of identification to register to vote on election day and relative to hour limitations on voting. (Flanagan, Rock 14: Election Law)
- HB 329**, repealing the fireman's rule. (DePecol, Ches 14: Judiciary and Family Law)
- HB 330**, relative to openness in the civil litigation process. (DePecol, Ches 14: Judiciary and Family Law)
- HB 331**, adopting the uniform foreign depositions law and relative to admission of copies as evidence. (DePecol, Ches 14: Judiciary and Family Law)
- HB 332**, repealing the law which prohibits an entity which conducts horse or dog racing from employing a member of the general court. (McGuirk, Ches 1; Vogl, Ches 4: Legislative Administration)
- CACR 14**, relating to: pensions for the governor, commissioners of state departments, and judges. Providing that: no governor, commissioner of a state department, or judge shall receive a pension from public funds. (Weber, Graf 11; Hemon, Straf 11: Executive Departments and Administration)
- HCR 3**, urging the United States Congress to propose and support legislation overturning a U.S. Appeals Court decision limiting credit union membership. (Hemon, Straf 11: State-Federal Relations and Veterans Affairs)
- HR 11**, urging the state conservation tree-planting program to utilize members of youth groups to plant trees. (Leonard, Hills 39: Resources, Recreation and Development)

## RECESS

(Rep. Camm in the Chair)

## RESOLUTION

Rep. Weyler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 107 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF SENATE BILL

### First, second reading and referral

**SB 107**, giving the deputy legislative budget assistant the authority to perform the duties of the legislative budget assistant under certain circumstance. (Finance)

## RECESS

**(Rep. Wheeler in the Chair)****RESOLUTION**

Rep. Channing Brown offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 333 through 487, Constitutional Amendment Concurrent Resolutions numbered 15 through 20, House Concurrent Resolutions numbered 4 through 8 and House Resolutions numbered 12 and 13, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS, CACRs, HCRs and HRs****First, second reading and referral**

**HB 333-FN-L**, establishing a fine for political advertising placed or affixed prior to the date permitted by statute or placed on or affixed to any public property. (Langley, Rock 24; B. Gage, Rock 26: Election Law)

**HB 334**, establishing guidelines for assessing the eligibility of certain providers for third party reimbursement. (B. Gage, Rock 26: Commerce)

**HB 335-FN-L**, relative to motor vehicle license and registration suspensions. (Vaughn, Rock 35; Cohen, Dist 24; Roberge, Dist 9: Transportation)

**HB 336**, clarifying certain definitions relating to dams. (Ziegra, Belk 5; Bartlett, Belk 6; Salatiello, Belk 2; Golden, Belk 5; Dickinson, Carr 2; Fraser, Dist 4; Russman, Dist 19; Johnson, Dist 3: Resources, Recreation and Development)

**HB 337-L**, allowing a municipality to reduce the property tax on improvements. (Noyes, Rock 26: Local and Regulated Revenues)

**HB 338**, repealing certain requirements relative to the duty to deliver a copy of process to prisoners. (Dokmo, Hills 14; Belvin, Hills 14; Holden, Hills 14: Criminal Justice and Public Safety)

**HB 339**, establishing a freedom of employment association act. (Weber, Graf 11; Cobbin, Graf 11; T. Colburn, Merr 12; Wright, Hills 22; Root, Graf 8; Francoeur, Dist 14; D. Wheeler, Dist 11; Barnes, Dist 17; Johnson, Dist 3: Labor, Industrial and Rehabilitative Services)

**HB 340**, relative to the real estate commission and its licensing and bonding requirements. (Dokmo, Hills 14: Commerce)

**HB 341**, relative to filing lucky 7 applications with the sweepstakes commission. (C. Brown, Graf 14: Local and Regulated Revenues)

**HB 342**, relative to the payment of recording fees for mortgage discharges. (Guay, Coos 6; Fraser, Dist 4: Commerce)

**HB 343-L**, relative to authority by governmental entities over driveways and other accesses to public ways. (Pfaff, Merr 11: Public Works and Highways)

**HB 344-L**, relative to planning board procedures on plats. (Patten, Carr 9; L. Foster, Hills 10; Metzger, Ches 13: Municipal and County Government)

**HB 345-L**, relative to the hours polls are open in cities and towns. (Wall, Straf 9; Kaen, Straf 7: Election Law)

**HB 346**, relative to the effect of federal law on any reorganization of the executive branch. (Mirski, Graf 12: Executive Departments and Administration)

**HB 347-FN-A**, relative to landscaping at Weirs Beach in Laconia and making an appropriation therefor. (R. Lawton, Belk 7: Public Works and Highways)

**HB 348-FN**, allowing the state fire marshal to investigate a building collapse or release of carbon monoxide. (Hunter, Hills 7: Criminal Justice and Public Safety)

**HB 349**, repealing certain pari-mutuel laws relative to racing funds, disbursements of the funds, and records of receipts. (C. Brown, Graf 14; Blaisdell, Dist 10: Local and Regulated Revenues)

**HB 350**, exempting permits by rule and permits by notification from certain excavating and dredging permit requirements. (Dickinson, Carr 2: Resources, Recreation and Development)

**HB 351-L**, limiting the total of tax deferrals for the elderly and disabled on a particular property to a percentage of its equity value. (L. Foster, Hills 10: Local and Regulated Revenues)

**HB 352**, modifying the definitions of "agriculture" and "farming" for certain purposes. (Davis, Coos 1; L. Pratt, Coos 4; Gordon, Dist 2: Environment and Agriculture)

- HB 353**, establishing a committee to study issues regarding prosecutions and sentencing of, and incarceration treatment for, persons convicted of sex-related crimes. (McCarthy, Hills 41: Criminal Justice and Public Safety)
- HB 354**, repealing the exemption for social activities from political expenditure and contribution reporting requirements. (K. Rogers, Merr 22: Election Law)
- HB 355**, relative to prohibited political contributions. (K. Rogers, Merr 22: Election Law)
- HB 356**, relative to reporting requirements for political candidates and political committees. (K. Rogers, Merr 22: Election Law)
- HB 357-FN**, requiring the director of motor vehicles to recommend vehicle light use during any period windshield wipers are in operation during inclement weather. (Avery, Ches 8; Dickinson, Carr 2; Burnham, Ches 8: Transportation)
- HB 358**, allowing victims of domestic violence to terminate a lease if a protective order has been secured. (Crosby, Merr 20: Criminal Justice and Public Safety)
- HB 359**, regulating information regarding evictions contained in credit reports issued by consumer reporting agencies. (Crosby, Merr 20: Commerce)
- HB 360**, prohibiting discrimination in rental housing based on receipt by a tenant of a federal rent subsidy. (Crosby, Merr 20: Judiciary and Family Law)
- HB 361**, clarifying the status of tenants who reside in rooming or boarding houses for more than 90 consecutive days. (Crosby, Merr 20: Judiciary and Family Law)
- HB 362**, creating a cause of action for civil damages for noncompliance with minimum housing standards. (Crosby, Merr 20: Judiciary and Family Law)
- HB 363**, relative to venue for actions against tenants. (Crosby, Merr 20: Judiciary and Family Law)
- HB 364**, relative to interest or penalty charges for failure to pay rent. (Wallin, Merr 15: Judiciary and Family Law)
- HB 365**, providing that communications made during family mediation shall be privileged. (Wallin, Merr 15: Judiciary and Family Law)
- HB 366-L**, relative to noncompliance with zoning ordinances. (Dokmo, Hills 14; Belvin, Hills 14: Municipal and County Government)
- HB 367-FN-L**, requiring notification to parents when a minor violates the tobacco laws. (Grassie, Straf 19; Kaen, Straf 7; Keans, Straf 16: Criminal Justice and Public Safety)
- HB 368**, establishing the honorary position of artist laureate of the state of New Hampshire. (Wallin, Merr 15: Executive Departments and Administration)
- HB 369**, relative to the admission to practice and bar association membership for attorneys. (Mirski, Graf 12: Judiciary and Family Law)
- HB 370**, updating and making technical corrections in certain banking laws. (Hunt, Ches 10: Commerce)
- HB 371**, relative to the authority of the department of fish and game to regulate the management, preservation, propagation, and taking of state fish, game, and wildlife resources. (Mirski, Graf 12: Wildlife and Marine Resources)
- HB 372**, relative to age and domicile requirements for candidacy for public office. (Flanagan, Rock 14: Election Law)
- HB 373**, establishing a committee to study the feasibility of implementing alternative local taxes for funding of education. (Mirski, Graf 12; Alger, Graf 9: Local and Regulated Revenues)
- HB 374-FN**, establishing 400 separate districts for the election of state representatives and renumbering state representative districts. (Buckley, Hills 44; A. Merrill, Straf 8; J. Foster, Hills 33; Weatherspoon, Rock 20; Burnham, Ches 8: Election Law)
- HB 375**, relative to the statement which must be signed by applicants for notary public or justice of the peace. (Holden, Hills 14; Dokmo, Hills 14: Judiciary and Family Law)
- HB 376**, relative to prescription drug copayments required by insurance companies and relative to filling prescription drug prescriptions. (Lindblade, Sull 7: Commerce)
- HB 377**, relative to primary election petitions. (Holden, Hills 14; A. Torr, Straf 12; McRae, Hills 7; Rubens, Dist 5; Roberge, Dist 9: Election Law)
- HB 378**, regulating the practice of acupuncture. (J. Bradley, Carr 8; Copenhaver, Graf 10; Morello, Hills 38; French, Merr 3; Asselin, Hills 47; Rubens, Dist 5; Russman, Dist 19; K. Wheeler, Dist 21; Larsen, Dist 15; Cohen, Dist 24: Executive Departments and Administration)
- HB 379-FN**, relative to reporting of contributions to candidates for speaker of the house and senate president. (J. Bradley, Carr 8: Election Law)

- HB 380-L**, relative to the sale of town-owned property. (Noyes, Rock 26: Municipal and County Government)
- HB 381**, relative to public recreation and park areas in municipalities. (Tufts, Rock 20: Municipal and County Government)
- HB 382**, requiring vehicles transporting loads on ways where the speed limit is 30 miles per hour or greater to cover the load. (Packard, Rock 29; Letourneau, Rock 13; Rubens, Dist 5: Transportation)
- HB 383**, requiring the nomination and election of the secretary of state and treasurer to be without regard to party affiliation of the candidate. (A. Torr, Straf 12; Burling, Sull 1; J. King, Dist 18; Barnes, Dist 17: Legislative Administration)
- HB 384**, relative to requiring notification by utilities of right-of-way maintenance. (Hall, Hills 20: Environment and Agriculture)
- HB 385**, relative to reporting and registration requirements for lobbyists and employees of lobbyists. (A. Merrill, Straf 8; Horton, Coos 3; J. Bradley, Carr 8; D. Cote, Hills 29; E. Smith, Ches 6; Russman, Dist 19: Legislative Administration)
- HB 386**, removing personal liability of employees of licensing entities for failure to comply with state laws regarding licenses to carry pistols and revolvers. (Hunter, Hills 7: Criminal Justice and Public Safety)
- HB 387-L**, extending municipal immunity from liability for injuries from accidents caused by snow and ice in municipal parking lots. (K. Taylor, Straf 11; Keans, Straf 16; Robertson, Ches 18; Fraser, Merr 21: Judiciary and Family Law)
- HB 388**, providing that one member of the state board of education shall be a currently certified and employed New Hampshire public school teacher. (A. Pelletier, Straf 12; French, Merr 3: Education)
- HB 389**, relative to the water protection assistance program within the office of state planning. (Patten, Carr 9; L. Foster, Hills 10; Metzger, Ches 13: Resources, Recreation and Development)
- HB 390**, relative to quarantine of captive wildlife. (Owen, Merr 6: Wildlife and Marine Resources)
- HB 391**, making the office of emergency management the administrator of the grant program for the civil air patrol in New Hampshire. (Asselin, Hills 47: State-Federal Relations and Veterans Affairs)
- HB 392**, changing references to the "BOCA Basic Building Code" to "BOCA National Building Code." (Hunter, Hills 7: Criminal Justice and Public Safety)
- HB 393**, relative to the mental health practice act, including establishing a clients' bill of rights. (Dyer, Hills 8; Copenhaver, Graf 10; Emerton, Hills 7: Executive Departments and Administration)
- HB 394**, restricting the jurisdiction of the probate courts over estates. (McCann, Straf 11; Cobbin, Graf 11: Judiciary and Family Law)
- HB 395**, repealing the exemption for teacher certification records from the right-to-know law. (Varrell, Rock 9; Hunter, Hills 7; Peter Cote, Hills 32; Cobbin, Graf 11; Weber, Graf 11: Judiciary and Family Law)
- HB 396-L**, prohibiting current use tax designation for property granted a change in zoning classification for 5 years after the reclassification. (Philbrick, Carr 4; Aranda, Rock 13: Environment and Agriculture)
- HB 397**, establishing a house study committee to examine the adoption of articles 41, 72-a and 73-a of the second part of the New Hampshire constitution. (Hemon, Straf 11; Weber, Graf 11; P. Taylor, Hills 34; McCann, Straf 11; Cobbin, Graf 11: Judiciary and Family Law)
- HB 398**, allowing Delta Dental Plan of New Hampshire to issue plans to individuals. (Hunt, Ches 10; Crosby, Merr 20; DeStefano, Merr 7; B. Gage, Rock 26; Gordon, Dist 2; J. King, Dist 18; Danaïs, Dist 20; Blaisdell, Dist 10; Fraser, Dist 4: Commerce)
- HB 399-L**, changing the name and qualifications for the optional property tax exemption for the totally and permanently disabled. (Merritt, Straf 8; Kenney, Carr 6; P. Krueger, Merr 7; K. Wheeler, Dist 21; Russman, Dist 19: Local and Regulated Revenues)
- HB 400**, authorizing the state to enter into a lease-purchase agreement with Cheshire county for the new Jaffrey-Peterborough district courthouse. (Royce, Ches 9; Avery, Ches 8; Manning, Ches 9; Hunt, Ches 10; Metzger, Ches 13; Patenaude, Dist 7; D. Wheeler, Dist 11: Public Works and Highways)
- HB 401**, repealing the prospective repeal of the healthy kids corporation. (Wallner, Merr 24; Nordgren, Graf 10; Larsen, Dist 15: Health, Human Services and Elderly Affairs)
- HB 402**, relative to the use of revenues of the fish and game department. (Pfaff, Merr 11: Finance)
- HB 403**, prohibiting the use of trotlines to take fish. (L'Heureux, Hills 18: Wildlife and Marine Resources)

**HB 404**, establishing a committee to study providing universal catastrophic health coverage by establishing a statewide catastrophic risk pool. (Allen, Hills 1: Commerce)

**HB 405-L**, relative to standardizing the requirements for the design and specifications of septic systems. (Camm, Rock 17: Resources, Recreation and Development)

**HB 406**, relative to environmental disclosure by electric power facilities. (Below, Graf 13: Science, Technology and Energy)

**HB 407**, relative to absentee voting. (Holden, Hills 14; Belvin, Hills 14; Dokmo, Hills 14; M. Fuller Clark, Rock 36; Bergin, Hills 16: Election Law)

**HB 408**, relative to using name stickers on election ballots. (Kenney, Carr 6; McKinley, Straf 2: Election Law)

**HB 409**, requiring nonprofit educational organizations and certain hospitals to file certain forms with the director of charitable trusts. (Cushing, Rock 22: Commerce)

**HB 410**, allowing mental health counselors and marriage and family therapists to obtain third party payments for services rendered which would otherwise qualify for such payments. (O'Rourke, Hills 39; Sargent, Hills 3; J. White, Hills 40: Commerce)

**HB 411-L**, authorizing municipalities to issue bonds for the purpose of defraying the cost of purchasing or taking public utility property. (C. Below, Graf 13; J. Bradley, Carr 8; Whipple, Dist 8: Science, Technology and Energy)

**HB 412**, relative to motor carrier safety rules and repealing certain obsolete statutes relating to motor vehicles. (Malcolm, Rock 22; J. McCarthy, Rock 24: Transportation)

**HB 413**, expanding the authority of the commissioner of the department of transportation to use a certain appropriation to purchase airports. (Weyler, Rock 18: Public Works and Highways)

**HB 414**, authorizing the commissioner of the department of safety to adopt rules imposing late fees for the impaired driver intervention programs. (C. Brown, Graf 14; Blaisdell, Dist 10: Criminal Justice and Public Safety)

**HB 415**, establishing speed limits for OHRVs traveling on the frozen surface of Back Lake in the town of Pittsburg. (G. Merrill, Coos 1: Transportation)

**HB 416**, relative to sentencing for juvenile delinquents. (Gagnon, Hills 48; Lozeau, Hills 30; Chabot, Hills 48; Morello, Hills 38; Criminal Justice and Public Safety)

**HB 417**, relative to ballot certification for political parties. (Weber, Graf 11; Buckley, Hills 44; Cobbin, Graf 11: Election Law)

**HB 418**, prohibiting the land application of sludge or biosolids containing amounts of heavy metals over certain limits. (Owen, Merr 6; Pignatelli, Dist 13: Environment and Agriculture)

**HB 419**, requiring daytime running lights on motor vehicles. (Arnold, Hills 20: Transportation)

**HB 420**, relative to administrative review of suspended or revoked motor vehicle licenses. (Musler, Straf 6; Dodge, Rock 4: Criminal Justice and Public Safety)

**HB 421**, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. (McCann, Straf 11; DeChane, Straf 6; Keans, Straf 16; Ham, Graf 4; Frechette, Rock 33; Cohen, Dist 24: Judiciary and Family Law)

**HB 422-L**, exempting initial bond issues from the 10 percent limitation on exceeding appropriations recommended by the budget committee. (Cooney, Rock 26; Major, Rock 16: Municipal and County Government)

**HB 423-L**, relative to the elderly exemption from the property tax. (MacGillivray, Hills 21: Local and Regulated Revenues)

**HB 424**, postponing the implementation of alternative fuel motor vehicle fleet requirements for 2 years. (MacGillivray, Hills 21; Kaen, Straf 7; J. Bradley, Carr 8: Science, Technology and Energy)

**HB 425**, relative to the regulation of pharmacists. (Dyer, Hills 8: Executive Departments and Administration)

**HB 426**, establishing a committee to study the rules and regulations regarding the administration of medications in long-term care facilities. (L. Foster, Hills 10; Manning, Ches 9; MacGillivray, Hills 21: Health, Human Services and Elderly Affairs)

**HB 427-L**, allowing a municipality to adopt a local meals and rooms tax. (M. Fuller Clark, Rock 36: Local and Regulated Revenues)

**HB 428-FN-L**, known as the Maggie Boyle Terninko Act, repealing RSA 430:49, the law preempting local regulation of pesticides. (Cushing, Rock 22; Owen, Merr 6; O'Keefe, Rock 21; Hollingworth, Dist 23: Environment and Agriculture)

**HB 429**, establishing a committee to study unemployment compensation as it relates to the contingent work force and to women workers. (Mears, Coos 7; Hawkinson, Coos 7; McGovern, Rock 35; Keans, Straf 16; K. Wheeler, Dist 21: Labor, Industrial and Rehabilitative Services)

**HB 430**, relative to registration of political committees. (Flanagan, Rock 14: Election Law)

**HB 431**, relative to the appointment of attorneys and guardians ad litem, and eliminating certain de novo hearings under certain laws related to child protection. (J. Brown, Straf 17: Judiciary and Family Law)

**HB 432**, increasing the wager limit on games of chance from \$1 to \$5. (Dawe, Hills 33; J. Clemons, Hills 31; Pignatelli, Dist 13: Local and Regulated Revenues)

**HB 433**, relative to discharge from New Hampshire hospital. (R. Foster, Carr 10; Haettenschwiler, Hills 29; Russman, Dist 19: Judiciary and Family Law)

**HB 434**, relative to milk products of sheep and goats and milk producer permits and allowing the commissioner of the department of health and human services to impose certain administrative fines. (Crosby, Merr 20: Health, Human Services and Elderly Affairs)

**HB 435-FN-L**, relative to liens placed on property by towns and cities for money spent on assisted persons. (Golden, Belk 5: Commerce)

**HB 436-FN-L**, establishing restrictions in building aid for conversions of area schools to cooperative school districts, and relative to increasing or decreasing grades in cooperative school districts. (McKinley, Straf 2; Champagne, Ches 19; Thulander, Hills 6; Rubens, Dist 5: Education)

**HB 437-FN-L**, relative to certain health officers. (Haettenschwiler, Hills 29; Hill, Graf 1: Health, Human Services and Elderly Affairs)

**HB 438-FN**, allowing the court to impose certain chemical treatments on repeat child molesters. (Herman, Hills 13: Criminal Justice and Public Safety)

**HB 439-FN**, establishing a procedure for reporting on abortions. (Herman, Hills 13: Judiciary and Family Law)

**HB 440-FN**, changing the legislative mileage formula. (Jacobson, Merr 2; Arnold, Hills 20: Legislative Administration)

**HB 441**, relative to the ballot law commission. (Emerton, Hills 7; Flanagan, Rock 14: Election Law)

**HB 442**, requiring insurers to cover certain costs associated with reconstructive surgery after a mastectomy. (Snyder, Straf 14; M. Fuller Clark, Rock 36; Keans, Straf 16; Belvin, Hills 14; L. Foster, Hills 10; K. Wheeler, Dist 21: Commerce)

**HB 443**, relative to push-polling. (Teschner, Graf 5; Fields, Hills 18; Malcolm, Rock 22; Hinman, Graf 7; P. Krueger, Merr 7; Pignatelli, Dist 13; Rubens, Dist 5; Russman, Dist 19; Larsen, Dist 15: Election Law)

**HB 444**, extending the reporting date for the house committee to study the state investigation of the late John C. Fairbanks. (Cobbin, Graf 11; Varrell, Rock 9; Guaraldi, Graf 14: Judiciary and Family Law)

**HB 445**, extending the reporting date of the paperless title system study committee. (Fesh, Rock 13; Bartlett, Belk 6; Packard, Rock 29; G. Katsakiores, Rock 13: Transportation)

**HB 446**, prohibiting candidates of one party from accepting the nomination of another party. (Arnold, Hills 20; M. Brown, Merr 10: Election Law)

**HB 447**, eliminating the grandfather clause for licensure of professional engineers. (Alger, Graf 9: Executive Departments and Administration)

**HB 448**, relative to the trust fund for the prevention of child abuse and neglect. (Nordgren, Graf 10; Wallner, Merr 24; C. Moore, Merr 19; Pignatelli, Dist 13; Podles, Dist 16; Cohen, Dist 24: Judiciary and Family Law)

**HB 449**, regulating the self-storage industry. (Robertson, Ches 18: Commerce)

**HB 450**, relative to accessing directory information as defined by the Family Educational Rights and Privacy Act. (Champagne, Ches 19: Education)

**HB 451**, providing that health care providers shall determine the appropriate course of patient treatment. (Morello, Hills 38; Hess, Merr 11; M. Fuller Clark, Rock 36; Russman, Dist 19: Commerce)

**HB 452**, establishing a legislative oversight committee on telecommunications restructuring and relative to aggregation of telecommunications services customers by municipalities and counties. (J. Bradley, Carr 8; MacGillivray, Hills 21: Science, Technology and Energy)

**HB 453**, relative to the bank commissioner's regulation of sales finance companies and retail sellers. (Hunt, Ches 10: Commerce)

**HB 454**, relative to food service establishments. (Haettenschwiller, Hills 29: Health, Human Services and Elderly Affairs)

**HB 455-FN-L**, relative to a preliminary breath test for alcohol concentration. (Christie, Rock 22; Dolan, Rock 12; Knowles, Straf 11; Dodge, Rock 4; Simmons, Rock 25; Barnes, Dist 17; Hollingworth, Dist 23: Criminal Justice and Public Safety)

**HB 456-FN**, relative to child custody when a parent has intentionally killed the other parent. (Lovett, Graf 6; Salatiello, Belk 2: Judiciary and Family Law)

**HB 457-FN**, requiring all state agencies, departments, and commissions in all 3 branches of government to have a presence on "WEBSTER" by January 1, 1998, and designating the state library as the official repository of public information. (Holley, Hills 28; Lamach, Merr 3; Drabinowicz, Hills 36; Hunt, Ches 10; Hansen, Hills 2; Larsen, Dist 15: Executive Departments and Administration)

**HB 458-FN**, relative to the elements of simple assault and relative to certain persons with prior convictions for first degree, second degree, or simple assault. (Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 459-FN**, establishing a graduated driver's license and related penalties for persons under 18 years of age. (L'Heureux, Hills 18; Christie, Rock 22; P. Katsakiores, Rock 13; M. Fuller Clark, Rock 36; Gleason, Rock 13; Guaraldi, Graf 14; Pilliod, Belk 3; G. Katsakiores, Rock 13; Roberge, Dist 9; Johnson, Dist 3; Pignatelli, Dist 13; K. Wheeler, Dist 21; Russman, Dist 19: Transportation)

**HB 460-FN**, relative to authorizing treatment for persons involuntarily admitted to New Hampshire hospital. (R. Foster, Carr 10; Haettenschwiller, Hills 29; Manning, Ches 9; Russman, Dist 19: Judiciary and Family Law)

**HB 461-FN**, authorizing the New Hampshire hospital and the department of transportation to settle claims when the amount is less than \$500. (C. Brown, Graf 14; Blaisdell, Dist 10: Executive Departments and Administration)

**HB 462-FN**, relative to acknowledgment of DWI laws by persons under 21 years of age. (Christie, Rock 22; Dolan, Rock 12; Knowles, Straf 11; Dodge, Rock 4; Simmons, Rock 25; Barnes, Dist 17; Hollingworth, Dist 23; Pignatelli, Dist 13: Criminal Justice and Public Safety)

**HB 463-FN**, relative to aerial spraying of herbicides. (Hall, Hills 20: Environment and Agriculture)

**HB 464-FN**, regarding notice provisions for waxes applied to fresh fruit. (Hall, Hills 20; Dokmo, Hills 14; Roberge, Dist 9; Pignatelli, Dist 13: Commerce)

**HB 465-FN**, requiring the legislature to consider a list of factors in determining whether to regulate a previously unregulated profession. (Emerton, Hills 7: Executive Departments and Administration)

**HB 466-FN**, requiring administrative rules to be available to the public at the state library before they take effect. (Lamach, Merr 3: Executive Departments and Administration)

**HB 467-FN**, relative to felonious activities relating to wireless telephone cloning. (L. Foster, Hills 10; Below, Graf 13; Fraser, Dist 4; Gordon, Dist 2; J. King, Dist 18: Criminal Justice and Public Safety)

**HB 468-L**, eliminating a requirement that registers of deeds keep original copies of officers' returns of attachments and writs of execution on file permanently. (Noyes, Rock 26; Stickney, Rock 26: Municipal and County Government)

**HB 469**, relative to the rules of the board of dental examiners. (Copenhaver, Graf 10: Executive Departments and Administration)

**HB 470**, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. (Copenhaver, Graf 10; O'Keefe, Rock 21; C. Moore, Merr 19: Health, Human Services and Elderly Affairs)

**HB 471**, relative to the method of refund of the road toll paid by private school bus companies. (Mock, Carr 3; W. Williams, Graf 3; MacNeil, Graf 7; Gordon, Dist 2: Public Works and Highways)

**HB 472**, establishing the council for children and adolescents with chronic health conditions. (Nordgren, Graf 10; Wallner, Merr 24; C. Moore, Merr 19; Fraser, Dist 4: Health, Human Services and Elderly Affairs)

**HB 473**, relative to the use of watercraft and boats on the waters of Chocorua Lake in the town of Tamworth. (Mock, Carr 3: Transportation)

**HB 474-L**, allowing local treasurers to invest in collateralized money markets with major investments. (McKinney, Rock 29: Municipal and County Government)

**HB 475**, requiring a study on overweight and over-dimension vehicle permits and, in particular, permits for manufactured housing units. (Burnham, Ches 8: Public Works and Highways)

**HB 476**, establishing the New Hampshire council on drug abuse prevention. (Leber, Merr 1: Health, Human Services and Elderly Affairs)

**HB 477**, prohibiting aircraft from landing and taking off on a certain portion of the Pemigewasset River. (Salatiello, Belk 2; Gordon, Dist 2: Transportation)

**HB 478**, requiring certain notices to be posted at certain job sites for purposes of workers' compensation. (Donald Welch, Hills 48; Mears, Coos 7; F. King, Dist 1; J. King, Dist 18: Labor, Industrial and Rehabilitative Services)

**HB 479**, establishing a committee to study the merits of installation of dual pipe and tank septic systems. (Lefebvre, Hills 31; Owen, Merr 6: Resources, Recreation and Development)

**HB 480**, revising the law relative to protection of persons from domestic violence. (Knowles, Straf 11; Christie, Rock 22; Allison, Sull 10; Woods, Rock 25; Cohen, Dist 24; Fraser, Dist 4; Hollingworth, Dist 23; Barnes, Dist 17: Criminal Justice and Public Safety)

**HB 481**, relative to financial reporting requirements for political candidates. (Almy, Graf 14; Flanagan, Rock 14; P. Krueger, Merr 7; Below, Graf 13; Larsen, Dist 15: Election Law)

**HB 482**, relative to the access and development of interstate computer network systems. (Connolly, Graf 1: Science, Technology and Energy)

**HB 483**, relative to regulation of securities. (Flanagan, Rock 14: Commerce)

**HB 484**, relative to registration of certain voters who vote by absentee ballot. (Flanagan, Rock 14: Election Law)

**HB 485**, relative to limited electrical energy producers. (Below, Graf 13; J. Bradley, Carr 8: Science, Technology and Energy)

**HB 486**, relative to a study of Route 3A. (D'Allesandro, Hills 46: Public Works and Highways)

**HB 487**, relative to the distribution of tobacco products. (Nordgren, Graf 10; Holt, Hills 35; Buckley, Hills 44; R. Foster, Carr 10; Hollingworth, Dist 23; Cohen, Dist 24; Fraser, Dist 4: Commerce)

**CACR 15**, relating to: requiring that the attorney general be elected. Providing that the attorney general be chosen biennially in the general election. (Weber, Graf 11; Hemon, Straf 11: Election Law)

**CACR 16**, relating to: the election of judges and judicial pensions. Providing that: judges be elected for specified terms and that no judge shall receive a pension from public funds. (Weber, Graf 11; Hemon, Straf 11; P. Taylor, Hills 34; Cobbin, Graf 11: Judiciary and Family Law)

**CACR 17**, relating to: the appointment of supreme, superior, and probate court judges. Providing that: supreme, superior, and probate court judges be appointed for specified terms. (McCann, Straf 11; Cobbin, Graf 11: Judiciary and Family Law)

**CACR 18**, relating to: references to the governor in the constitution. Providing that: all references to the governor in the constitution shall be gender neutral. (Cushing, Rock 22; Below, Graf 13; Hunt, Ches 10; J. King, Dist 18; Cohen, Dist 24: Executive Departments and Administration)

**CACR 19**, relating to: the election of the speaker of the house, senate president, and other officers. Providing that: the speaker of the house, senate president, and other officers shall be elected from among the respective body's membership. (Flanagan, Rock 14; Langley, Rock 24: Legislative Administration)

**CACR 20**, relating to: the appointment and terms of probate court judges. Providing that: all probate court judges be full-time and subject to term limits. (McCann, Straf 11; Cobbin, Graf 11: Judiciary and Family Law)

**HCR 4**, petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to establish a mechanism for nullification of federal laws and regulations when the states determine that such laws or regulations exceed the authority of the federal government under the Constitution of the United States. (Root, Graf 8; Guaraldi, Graf 14; Weber, Graf 11; Cobbin, Graf 11: State-Federal Relations and Veterans Affairs)

**HCR 5**, petitioning the Congress of the United States to enact legislation that requires Congress to specify the constitutional authority for the enactment of law and that prohibits agency rules or regulations from preempting or otherwise interfering with state or local powers without express statutory authority. (Root, Graf 8; Guaraldi, Graf 14; Weber, Graf 11; Cobbin, Graf 11: State-Federal Relations and Veterans Affairs)

**HCR 6**, petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to provide the states a method of offering amendments to the Constitution of the United States. (Root, Graf 8; Guaraldi, Graf 14; Weber, Graf 11: State-Federal Relations and Veterans Affairs)

**HCR 7**, petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to prohibit the federal government from imposing regulatory mandates, unfunded mandates, and spending conditions, which conditions are unrelated to the actual expenditures of funds allocated by Congress. (Root, Graf 8; Guaraldi, Graf 14; Weber, Graf 11; Cobbin, Graf 11: State-Federal Relations and Veterans Affairs)

**HCR 8**, urging Congressional delegates to propose Congressional term limits. (Murch, Hills 31; D. Wheeler, Dist 11: State-Federal Relations and Veterans Affairs)

**HR 12**, urging that impeachment proceedings be instituted posthumously against the late John C. Fairbanks. (Cobbin, Graf 11; Varrell, Rock 9; Guaraldi, Graf 14: Judiciary and Family Law)

**HR 13**, recognizing Bob Dole's many years of public service and dedication to our country. (Vaillancourt, Hills 44: State-Federal Relations and Veterans Affairs)

## RECESS

(Rep. Schotanus in the Chair)

## RESOLUTION

Rep. Patten offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 488 through 583, Constitutional Amendment Concurrent Resolution numbered 21, House Concurrent Resolutions numbered 9 through 11, House Joint Resolutions numbered 1 through 3 and House Resolutions numbered 14 and 15, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, CACR, HCRs, HJR and HRS

### First, second reading and referral

**HB 488-FN**, relative to involuntary admission to the state hospital on an emergency basis. (Manning, Ches 9; Sargent, Hills 3; R. Foster, Carr 10; Chabot, Hills 48; C. Moore, Merr 19; Gordon, Dist 2; K. Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

**HB 489-L**, requiring an annual cost of living adjustment for elderly exemptions to the property tax. (Herman, Hills 13: Local and Regulated Revenues)

**HB 490**, relative to the confidentiality of medical records. (Mittelman, Hills 37; C. Moore, Merr 19: Health, Human Services and Elderly Affairs)

**HB 491**, establishing a house committee to study the institution of a state property tax. (Amidon, Hills 9: Finance)

**HB 492**, relative to the refund of unused insurance premiums for insurance policies sold by motor vehicle dealers. (Mirski, Graf 12: Commerce)

**HB 493**, relative to prohibiting the sale of opportunities for the taking of fish and game by certain property owners. (Mirski, Graf 12: Wildlife and Marine Resources)

**HB 494-FN**, relative to house bills and constitutional authority. (Mirski, Graf 12: Legislative Administration)

**HB 495**, prohibiting registered lobbyists from serving on the legislative ethics committee. (McCann, Straf 11; Cobbin, Graf 11; Hilliard, Straf 14: Legislative Administration)

**HB 496**, requiring all land application of sludge or biosolids to comply with certain best management practices and relative to an exceptional quality exclusion. (Owen, Merr 6; Pignatelli, Dist 13: Environment and Agriculture)

**HB 497**, excluding domestic septage from regulation as sludge or biosolids. (Owen, Merr 6; Sen. Pignatelli, Dist 13: Environment and Agriculture)

**HB 498-FN-A**, establishing a New Hampshire farm museum and making an appropriation therefor. (Owen, Merr 6; Heath, Rock 20: Environment and Agriculture)

**HB 499**, establishing a committee to study the provision by the state of certain economic, medical, and social support services to individuals whose misconduct resulted in the need for service. (Rosen, Belk 7; Holt, Hills 35; L. Jean, Hills 17; Noyes, Rock 26; Johnson, Dist. 3: Health, Human Services and Elderly Affairs)

**HB 500**, relative to membership on the retirement system board of trustees. (B. Moore, Rock 21; Cohen, Dist 24; Russman, Dist 19: Executive Departments and Administration)

- HB 501**, including blindness in the special education provisions, and allowing attorneys to act as neutrals in special education dispute resolution. (McKinley, Straf 2; Rubens, Dist 5: Education)
- HB 502-L**, placing limitations on warrant articles at special meetings. (Burke, Hills 15; Bartlett, Belk 6; Dodge, Rock 4; Kobel, Rock 6; McGough, Hills 18; Rubens, Dist 5; Roberge, Dist 9; D. Wheeler, Dist 11; Francoeur, Dist 14; Johnson, Dist 3: Municipal and County Government)
- HB 503-FN-L**, relative to direct recall elections. (D'Allesandro, Hills 46; Ferguson, Hills 13; McCann, Straf 11: Election Law)
- HB 504-L**, relative to the property tax obligation for real estate used as rental housing by qualified nonprofit charitable organizations. (Dolan, Rock 12; M. Fuller Clark, Rock 36; Cohen, Dist 24: Local and Regulated Revenues)
- HB 505**, revising provisions relative to smoking in indoor public places. (Holt, Hills 35; Nordgren, Graf 10; A. Pelletier, Straf 12; Below, Graf 13; K. Wheeler, Dist 21: Commerce)
- HB 506**, prohibiting all smoking in any restaurant where serving food is the primary function. (A. Pelletier, Straf 12; Holt, Hills 35; Nordgren, Graf 10; Richardson, Ches 12; K. Wheeler, Dist 21: Commerce)
- HB 507-A**, relative to the expansion of veterans' home facilities and making an appropriation therefor. (David Welch, Rock 18; Drabinowicz, Hills 36; Laflam, Belk 2; Vaughn, Rock 35; Mock, Carr 3; Barnes, Dist 17; Fraser, Dist 4; Blaisdell, Dist 10; Hollingworth, Dist 23; Gordon, Dist 2: Public Works and Highways)
- HB 508**, relative to mandatory automobile insurance. (Boriso, Belk 1; Peter Cote, Hills 32: Commerce)
- HB 509-A**, relative to repairing and resurfacing the access road to the Gunstock Ski Area. (Rosen, Belk 7; Rice, Belk 7; Bartlett, Belk 6; Ziegler, Belk 5; Laflam, Belk 2; Fraser, Dist 4; Johnson, Dist 3; Gordon, Dist 2: Public Works and Highways)
- HB 510**, relative to delivery of beverages by wholesale distributors. (McGovern, Rock 35: Local and Regulated Revenues)
- HB 511-FN-L**, requiring health insurers to provide coverage for certain supplies and services necessary in the treatment of diabetes. (Copenhaver, Graf 10; Ziegler, Belk 5; Amidon, Hills 9; Schotanus, Sull 3; Barnes, Dist 17: Commerce)
- HB 512-FN**, requiring mediation in domestic cases involving minor children. (K. Rogers, Merr 22: Judiciary and Family Law)
- HB 513-FN**, limiting the operational expenses of the sweepstakes commission to 10 percent of the gross revenue. (McCann, Straf 11; Snyder, Straf 14: Finance)
- HB 514-FN**, relative to penalties for driving while intoxicated or under the influence of drugs for persons under 21 years of age. (Christie, Rock 22; Dolan, Rock 12; Knowles, Straf 11; Dodge, Rock 4; Simmons, Rock 25; Barnes, Dist 17; Hollingworth, Dist 23: Criminal Justice and Public Safety)
- HB 515-FN**, establishing the New Hampshire commission on the status of fatherhood. (Bickford, Straf 1: Judiciary and Family Law)
- HB 516-FN**, increasing the fuel oil discharge cleanup fund fee. (Holbrook, Belk 7: Finance)
- HB 517-FN**, relative to aggravated felonious sexual assault. (Knowles, Straf 11: Criminal Justice and Public Safety)
- HB 518-FN**, requiring administrative agents to obtain warrants based upon probable cause to perform searches or inspections. (Cobbin, Graf 11: Judiciary and Family Law)
- HB 519-FN**, relative to regulating heating installers. (L. Foster, Hills 10: Executive Departments and Administration)
- HB 520**, establishing the bureau of gaming enforcement within the division of state police. (C. Brown, Graf 14: Executive Departments and Administration)
- HB 521-L**, relative to the definition of terms and conditions of employment and to the subjects of bargaining in the public employee labor relations law. (Mears, Coos 7; Pfaff, Merr 11: Labor, Industrial and Rehabilitative Services)
- HB 522-L**, requiring a separate vote of the legislative body of a local governing unit before moneys may be appropriated to organizations that conduct registered lobbying activities. (Root, Graf 8; Weber, Graf 11; Cobbin, Graf 11; D. Wheeler, Dist 11: Municipal and County Government)
- HB 523**, relative to the appointment of guardians ad litem. (Keans, Straf 16; Podles, Dist 16: Judiciary and Family Law)

**HB 524-FN-A**, extending the reporting dates and the prospective repeal date for the state veterans cemetery oversight committee, establishing the New Hampshire state veterans cemetery, relative to the administration of the cemetery, and making appropriations therefor. (Fenton, Hills 24: Public Works and Highways)

**HB 525-L**, relative to Braille instruction for functionally blind pupils. (Gagnon, Hills 48; S. Holley, Hills 28; Rice, Belk 7; C. Williams, Hills 39; Rosen, Belk 7; Johnson, Dist 3; Podles, Dist 16; K. Wheeler, Dist 21; Blaisdell, Dist 10: Education)

**HB 526**, clarifying that no other business entity may assume a name which is the same as or deceptively similar to the registered name of a New Hampshire real estate trust. (Aranda, Rock 13; Russman, Dist 19: Commerce)

**HB 527**, classifying smoke bombs as permissible fireworks. (Hunter, Hills 7; Fenton, Hills 24; Rubin, Rock 25: Criminal Justice and Public Safety)

**HB 528-L**, relative to municipal water, gas and electric utilities. (J. Bradley, Carr 8; Below, Graf 13; Guay, Coos 6; MacGillivray, Hills 21; Johnson, Dist 3; Hollingworth, Dist 23, J. King, Dist 18: Science, Technology and Energy)

**HB 529**, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. (Boutin, Hills 37; E. Smith, Ches 6; Danaïs, Dist 20: Municipal and County Government)

**HB 530-FN-A**, establishing civil action filing fee surcharges to fund civil legal assistance to low-income persons and continually appropriating a special fund. (Hager, Merr 18: Judiciary and Family Law)

**HB 531-FN**, increasing the amount superior court bailiffs are paid per day. (Pepino, Hills 40: Finance)

**HB 532-FN**, relative to the transportation of alcoholic beverages by a minor. (Christie, Rock 22; Dolan, Rock 12; Dodge, Rock 4; Simmons, Rock 25; Barnes, Dist 17; Hollingworth, Dist 23; Pignatelli, Dist 13: Criminal Justice and Public Safety)

**HB 533-FN**, making technical corrections in the liquor laws. (Avery, Ches 8; R. Kelley, Hills 18; Cohen, Dist 24: Local and Regulated Revenues)

**HB 534**, establishing a committee to study the New Hampshire highway and bridge infrastructure. (Boutin, Hills 37; Dowling, Rock 13; Calawa, Hills 17; Cooper, Carr 2; Avery, Ches 8; Gordon, Dist 2; Danaïs, Dist 20; Cohen, Dist 24; J. King, Dist 18; Johnson, Dist 3: Public Works and Highways)

**HB 535**, relative to the regulation of architects. (Belvin, Hills 14: Executive Departments and Administration)

**HB 536**, requiring certain dam owners to develop emergency action plans, prohibiting the construction of any dam without a permit, and clarifying the process for issuing orders for dam repair. (Ziegra, Belk 5; Bartlett, Belk 6; Dickinson, Carr 2; Salatiello, Belk 2; Golden, Belk 5; Fraser, Dist 4; Johnson, Dist 3; Russman, Dist 19: Resources, Recreation and Development)

**HB 537-FN**, relative to the practice of allied health professionals. (A. Torr, Straf 12; Steere, Ches 11; Dodge, Rock 4: Health, Human Services and Elderly Affairs)

**HB 538**, requiring every pupil receiving state-funded scholarships or grants for postsecondary education to pass a drug test as a condition for receiving such funds, and requiring repayment of such moneys upon conviction of a drug-related offense. (McGough, Hills 18; L'Heureux, Hills 18; Rubens, Dist 5: Education)

**HB 539-L**, relative to the tax lien process for quarterly tax bills in the city of Concord. (Fraser, Merr 21; Dunn, Merr 24; Larsen, Dist 15: Local and Regulated Revenues)

**HB 540**, establishing a committee to study the possibility of requiring government agencies to provide a training and development policy instead of the current method of policing, penalizing, and fining business owners for infractions of the law. (D. Lawton, Belk 1: Executive Departments and Administration)

**HB 541**, relative to long-term care insurance. (Kurk, Hills 5: Commerce)

**HB 542-FN-L**, requiring municipalities to include certain information with property tax bills. (Guay, Coos 6: Municipal and County Government)

**HB 543-L**, relative to valuation of aeronautical facilities for purposes of payments in lieu of property taxes. (Steere, Ches 11; Metzger, Ches 13; Lynott, Ches 11: Municipal and County Government)

**HB 544**, relative to reconstruction or repair of boathouses which are suitable for use as dwellings. (Dickinson, Carr 2; Blanchard, Rock 34; M. Whalley, Merr 5; Patenaude, Dist 7: Resources, Recreation and Development)

**HB 545**, making the term of the attorney general coterminous with that of the governor. (Below, Graf 13; A. Merrill, Straf 8; Vachon, Straf 4; Burling, Sull 1; Cohen, Dist 24: Executive Departments and Administration)

**HB 546**, relative to the form of the presidential primary election ballots. (Flanagan, Rock 14: Election Law)

**HB 547**, relative to granting permits to build certain structures on shoreline property. (Dickinson, Carr 2; M. Whalley, Merr 5; Lovett, Graf 6: Resources, Recreation and Development)

**HB 548-FN**, limiting access to certain business records. (Dickinson, Carr 2; Hunt, Ches 10; Kenney, Carr 6; Cooper, Carr 2; B. Gage, Rock 26; Johnson, Dist 3; F. King, Dist 1: Commerce)

**HB 549**, relative to service-connected military or coast guard disability compensation in the determination of alimony or separate maintenance. (Varrell, Rock 9; Rubin, Rock 25; Bonneau, Ches 2; Nowe, Rock 3; Cobbin, Graf 11: Judiciary and Family Law)

**HB 550**, relative to certain social security disability compensation in the determination of alimony or separate maintenance. (Varrell, Rock 9; Rubin, Rock 25; Bonneau, Ches 2; Nowe, Rock 3; Cobbin, Graf 11: Judiciary and Family Law)

**HB 551-L**, allowing municipalities to grant retired persons over 65 years of age a property tax credit and a property tax cap. (Larrabee, Merr 9: Local and Regulated Revenues)

**HB 552-L**, clarifying the authority of municipalities to regulate the use of their highways which provide sole access to properties in adjoining municipalities. (Metzger, Ches 13; M. Whalley, Merr 5; Rubens, Dist 5: Municipal and County Government)

**HB 553-L**, relative to a right to farm. (McRae, Hills 7: Environment and Agriculture)

**HB 554**, relative to damages in suits brought by administrators of an estate. (Keans, Straf 16: Judiciary and Family Law)

**HB 555**, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment. (M. Fuller Clark, Rock 36; K. Wheeler, Dist 21: Judiciary and Family Law)

**HB 556-L**, authorizing municipalities to refund a portion of fees for municipal registration permits. (Alger, Graf 9; Maxfield, Merr 9; Ferguson, Hills 13; Manning, Ches 9; A. Merrill, Straf 8; Gordon, Dist 2: Local and Regulated Revenues)

**HB 557-FN-L**, establishing a welfare reserve fund and relative to a city or town's liability for general assistance. (Kurk, Hills 5: Health, Human Services and Elderly Affairs)

**HB 558-FN**, relative to life imprisonment for persons who have committed 3 or more serious violent felonies. (Hess, Merr 11; Pepino, Hills 40: Criminal Justice and Public Safety)

**HB 559-FN**, relative to crimes against persons under 13 years of age. (MacIntyre, Hills 18; Letendre, Hills 15; Roberge, Dist 9: Criminal Justice and Public Safety)

**HB 560-FN**, relative to penalties for introduction of boats and seaplanes from waters infested with milfoil or zebra mussels into clean lakes or ponds. (Lovett, Graf 6; French, Merr 3; Ziegra, Belk 5; Dickinson, Carr 2; W. Williams, Graf 3; Gordon, Dist 2; Johnson, Dist 3: Resources, Recreation and Development)

**HB 561-FN**, relative to certain marine patrol personnel. (Lovett, Graf 6: Resources, Recreation and Development)

**HB 562-FN-A**, imposing a tax on gambling winnings over \$5 to fund kindergarten and continually appropriating a special fund. (McCann, Straf 11; Vaillancourt, Hills 44; Snyder, Straf 14: Finance)

**HB 563-FN-A**, relative to a tax on telecommunications easements. (Below, Graf 13; Larsen, Dist 15: Finance)

**HB 564-FN-A**, increasing the cigarette tax and designating a portion of the revenue for anti-smoking programs aimed at teenagers. (C. Brown, Graf 14; Wheeler, Hills 7; Flint, Sull 4; Buckley, Hills 44: Finance)

**HB 565-FN**, relative to penalties for joy-riding and car theft across state lines. (Durham, Hills 22: Criminal Justice and Public Safety)

**HB 566-FN-A-L**, preserving a municipality's authority to tax an electric generation plant as real estate when the plant is unregulated and increasing the franchise tax. (J. Bradley, Carr 8: Local and Regulated Revenues)

**HB 567-FN-L**, relative to administration of vital records. (Emerton, Hills 7: Health, Human Services and Elderly Affairs)

**HB 568-FN**, relative to the oath of office for attorneys and the penalty for failure to fulfill the oath. (Hemon, Straf 11; McCann, Straf 11; Weber, Graf 11; P. Taylor, Hills 34; Cobbin, Graf 11: Judiciary and Family Law)

**HB 569-FN-A-L**, creating a New Hampshire securities transfer excise tax and a continually appropriated fund. (Hemon, Straf 11: Finance)

**HB 570-FN**, establishing a procedure for appointment of independent counsel in New Hampshire. (Hemon, Straf 11; Weber, Graf 11; P. Taylor, Hills 34; Cobbin, Graf 11: Judiciary and Family Law)

**HB 571-FN-A**, funding services for developmentally disabled persons with severe disabilities and making an appropriation therefor and relative to full funding of services to developmentally disabled persons. (Burnham, Ches 8; Wallner, Merr 24; C. Moore, Merr 19; Manning, Ches 9; Ferguson, Hills 13; Blaisdell, Dist 10; K. Wheeler, Dist 21; J. King, Dist 18: Finance)

**HB 572-FN**, relative to town, city, and county treasurers and to the state treasurer. (Dyer, Hills 8: Executive Departments and Administration)

**HB 573-FN**, repealing administrative suspension of driver's licenses for driving while intoxicated. (W. Williams, Graf 3; Dickinson, Carr 2; Mirski, Graf 12: Criminal Justice and Public Safety)

**HB 574-FN-A-L**, imposing a flat tax to replace certain state and local taxes. (W. Williams, Graf 3; Lovett, Graf 6; Mirski, Graf 12: Finance)

**HB 575**, authorizing the commissioner of the department of environmental services to accept environmental standards developed by the International Standards Organization (ISO) in place of certain permits and certification requirements. (Aranda, Rock 13; Musler, Straf 6; Teschner, Graf 5; Trelfa, Graf 2: Environment and Agriculture)

**HB 576**, relative to anonymous political campaign literature or communications. (Cobbin, Graf 11; McCann, Straf 11: Election Law)

**HB 577-FN-A-L**, relative to funding statewide kindergarten and making an appropriation therefor. (D. White, Hills 25; Grassie, Straf 19; Pignatelli, Dist 13: Education)

**HB 578-FN-A-L**, providing for property tax relief and making an appropriation therefor. (Kurk, Hills 5; Teschner, Graf 5; J. Bradley, Carr 8; P. Krueger, Merr 7; Fraser, Dist 4; Rubens, Dist 5; Blaisdell, Dist 10; Larsen, Dist 15; Gordon, Dist 2: Finance)

**HB 579-FN-L**, providing that a person who, having obtained a restraining order against an abuser and having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation. (Cushing, Rock 22; J. Kelley, Rock 22; Perkins, Hills 5; Larsen, Dist 15: Labor, Industrial and Rehabilitative Services)

**HB 580-FN**, requiring that loans for purposes of purchasing manufactured housing be considered mortgages. (L. Foster, Hills 10: Commerce)

**HB 581-FN**, authorizing the department of environmental services to issue permits in emergency situations, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures. (Dickinson, Carr 2; Adler, Sull 5; M. Whalley, Merr 5; Crowell, Merr 2; Lovett, Graf 6; Patenaude, Dist 7; F. King, Dist 1: Resources, Recreation and Development)

**HB 582-FN**, relative to medicaid rate setting. (Amidon, Hills 9; Sargent, Hills 3; Wallner, Merr 24; Blaisdell, Dist 10; Fraser, Dist 4; F. King, Dist 1: Health, Human Services and Elderly Affairs)

**HB 583-FN-L**, relative to felonious disarming of a law enforcement officer. (Pepino, Hills 40: Criminal Justice and Public Safety)

**CACR 21**, relating to a balanced budget. Providing that the governor be prohibited from proposing, and the general court be prohibited from approving, an operating budget in which expenditures exceed estimated revenue. (Leber, Merr 1; M. Brown, Merr 10: Finance)

**HCR 9**, urging the governor and general court to take action to bring about property tax relief. (French, Merr 3; Burnham, Ches 8; Ferguson, Hills 13; McCann, Straf 11; K. Wheeler, Dist 21; Whipple, Dist 8: Local and Regulated Revenues)

**HCR 10**, urging recognition of the contributions made by the Irish potato famine immigrants and observation of the 150<sup>th</sup> anniversary of the Great Hunger. (Cushing, Rock 22; J. Kelley, Rock 22; O'Keefe, Rock 21; Weatherspoon, Rock 20; Dwyer, Hills 43: Education)

**HCR 11**, relative to the preservation and revitalization of New Hampshire's rail-based corridors of commerce. (G. Katsakiores, Rock 13; Whittemore, Merr 13; Ackerman, Hills 30; Russman, Dist 19; F. King, Dist 1: Transportation)

**HJR 1**, urging the preservation and continued development of community services to people with developmental disabilities and their families. (Wallner, Merr 24; Micklon, Rock 26; Arndt, Rock 27; Weyler, Rock 18; Klemm, Rock 28; Hollingworth, Dist 23; Squires, Dist 12; J. King, Dist 18; Blaisdell, Dist 10; Russman, Dist 19; K. Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

**HJR 2**, urging the members of Congress to support and pass the Family Forestland Preservation Tax Act. (Schotanus, Sull 3; Dickinson, Carr 2; Royce, Ches 9; Russman, Dist 19; F. King, Dist 1: State-Federal Relations and Veterans Affairs)

**HJR 3**, requiring the attorney general to bring suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban. (Mirski, Graf 12; Varrell, Rock 9: State-Federal Relations and Veterans Affairs)

**HR 14**, exempting the house committee to study the investigation of the late Judge Fairbanks from the December 13, 1996 deadline for filing legislation. (Jacobson, Merr 2: Rules)

**HR 15**, urging that there be statewide access to Channel 9 (WMUR) as the official disaster reporting station for New Hampshire. (L. Pratt, Coos 4; Horton, Coos 3; F. King, Dist 1: State-Federal Relations and Veterans Affairs)

## RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 4

Wednesday, January 29, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Rep. Wheeler reported that the Chaplain Committee selected Reverend Edward G. Horstmann of the First Congregational Church in Hopkinton to serve as the House Chaplain.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of gracious presence, in Your light may we see light and in Your truth may we live with integrity. Help us, we pray, to seek Your wisdom with great desire and to be for one another an experience of persistent and gentle encouragement, so that Your loving will may be done through us for the land and people of New Hampshire. Amen.

Rep. Dickinson led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Beverly Gage, Flint, Lovejoy, O'Rourke, Royce and Ralph Torr, the day, illness.

Reps. Ameen, George Brown, Julie Brown, Copenhaver, David Flanders, Griffin, Guest, Holt, Lynott, James McDonald, Marsha Pelletier and Salatiello, the day, important business.

Rep. Mears, the day, death in the family.

Rep. Patricia Cote, the day, illness in the family.

### INTRODUCTION OF GUESTS

Robert Cardwell, guest of Rep. Sargent. Betsy Schultis, guest of Rep. Vaughn.

### COMMUNICATION

January 9, 1997

Karen Wadsworth, Clerk of the House

This is to advise you that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham 22, Robert R. Cushing, Jr., d, Hampton (395 Winnacunnet Road) 03842.

Karen H. Ladd, Assistant Secretary of State

Reps. Burling and Wheeler offered the following:

### HOUSE RESOLUTION NO. 18

memorializing former United States Senator Paul E. Tsongas

Whereas, it is with great sadness and deep regret we have learned of the death of former Senator Paul E. Tsongas of Massachusetts; and

Whereas, Paul E. Tsongas was a son of Lowell, Massachusetts, and a lifelong resident of that community; and

Whereas, Paul E. Tsongas graduated from Dartmouth College and Yale Law School; and

Whereas, Paul E. Tsongas served as a Peace Corps volunteer in Ethiopia after graduating from college; and

Whereas, Paul E. Tsongas was a good neighbor to the people of the state of New Hampshire; and

Whereas, Paul E. Tsongas served his community, his state, and his country honorably and with dignity and devotion; and

Whereas, Paul E. Tsongas served in the United States House of Representatives and the United States Senate; and

Whereas, in his quest for higher office, Paul E. Tsongas presented his views and his vision for our nation without malice toward his opponents; now, therefore, be it

Resolved by the House of Representatives:

That Paul E. Tsongas be recognized and granted the highest praise for his dedicated and exemplary public service and community service; and

That expressions of heartfelt sympathy be extended to his family; and

That a copy of this resolution be prepared by the house clerk for presentation to his family.  
Unanimously adopted by a rising vote.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 232**, prohibiting the carrying of firearms and certain other weapons into certain state buildings by persons other than law enforcement personnel, removed by Rep. Morello.

**HB 164**, relative to certain discussions under the right-to-know law, removed by Rep. McCann.

**HB 182-FN**, requiring the department of transportation to hold a public hearing relative to the construction of a truck safety station on route 4 in Chichester, removed by Rep. Mary Brown.

**HB 217**, relative to outdoor advertising hearings in the department of transportation, removed by Rep. Weber.

Consent Calendar adopted.

**HB 107**, requiring health care providers to exhaust medicare and secondary payors before billing the patient. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: The sponsor was concerned that Medicare patients are being sent medical bills even though they have secondary insurance. The committee found that most secondary insurance companies (medi-gap coverage) DO contract Medicare, therefore, any medical bills are automatically sent to the insurance company instead of the patient. To mandate an insurance company contract with Medicare is counter-productive to the system. Vote 18-0.

**HB 128**, relative to state regulation of participation by foreign banks in the financial markets of New Hampshire. **OUGHT TO PASS**

Rep. Anthony Syracuse for Commerce: This bill will authorize the bank department to regulate offshore foreign banks that want to have a presence in New Hampshire and operate under state oversight authority. It is supported by the banking department and has been reviewed by the Attorney General's and Secretary of State's offices. The bill is pro-active and will facilitate future international trade in a fast evolving global economy. Vote 17-1.

**HB 135**, requiring a waiting period before the retail price of home heating fuel oil is increased in certain circumstances. **INEXPEDIENT TO LEGISLATE**

Rep. Richard H. Krueger for Commerce: Attempting to fix the price of fossil fuel products for even a short period of time is simply not practicable or feasible. The factors that influence the end price to the consumer vary widely from the origin of the raw product to the refinery point, date of point of port of entry, demand and time of year, to name a few of the significant factors. Ten years ago, fuel oil was put on the commodities market in an attempt to stabilize the price vs. the spot market. What occurred in the commodities market is that the price of fuel oil literally varies by the hour. Therefore, oil dealers who have the capacity to buy as much as 120,000 gallons often turn that over in a day during the winter season. This means that each day it is possible for the price to go up or down and therefore there would be multiple 15-day periods. In addition, the product is purchased from distributors in at least four different states, over which we have no control. Chaos would be created for the 260 fuel oil dealers in New Hampshire because they buy from different distributors. Vote 16-2.

**HB 142**, relative to false residency forms and automobile insurance. **OUGHT TO PASS**

Rep. Richard H. Krueger for Commerce: Fraud by falsely registering automobiles in New Hampshire has been a significant problem for years. This bill will further facilitate the Insurance Department to more stringently monitor false registrations. It will protect the public in the State of New Hampshire. Vote 18-0.

**HB 105**, extending the time limits for holding an adjudicatory hearing in certain delinquency cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill as amended very simply allows for an extension of the time limits for adjudicatory hearings for minors detained or not detained. The extension of time limits shall be for good cause shown and in no case shall exceed 14 calendar days. Vote 22-0.

#### **Amendment (0041h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** allowing an extension of time limits upon a showing of good cause for holding an adjudicatory hearing in certain delinquency cases.

Amend the bill by replacing all after the enacting clause with the following:

1 Adjudicatory Hearings; Exception to Time Limits. Amend RSA 169-B:14, II to read as follows:

II. The adjudicatory hearing shall be held within 21 days of arraignment for minors detained pending such hearing and within 30 days of arraignment for minors not detained. *An extension of these time limits may be permitted, upon a showing of good cause, for an additional period not to exceed 14 calendar days.*

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill permits extension of time limits upon a showing of good cause for holding an adjudicatory hearing in delinquency cases for an additional period not to exceed 14 calendar days.

**HB 141-L**, relative to the powers and authority of local police chiefs. **INEXPEDIENT TO LEGISLATE**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill removes a provision which limits the authority of a local police chief in operating the police department to written formal policies adopted by the police chief's appointing authority. There was no support from the New Hampshire Association of Chiefs of Police or the New Hampshire Municipal Association. The committee felt from the testimony presented that there was no need to change this RSA particularly since the governing body of a municipality is the ultimate responsible authority and as such may require written formal policies as deemed necessary and agreed to by all parties. Vote 20-0.

**HB 163**, repealing the law which requires the commissioner of health and human services to deny the application or renewal of the license of an emergency medical technician convicted of driving while intoxicated. **OUGHT TO PASS**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill repeals the law which requires the commissioner of health and human services to deny the application or renewal of the license of an emergency medical technician convicted of driving while intoxicated. The committee felt that the license of an EMT should not be denied because of a conviction of DWI particularly since no other licensed professional is subject to loss of his or her specialty license for a similar conviction. Vote 20-0.

**HB 165**, establishing a committee to study withdrawal from cooperative school districts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rep. Richard L. Hill for Education: It has been over 30 years since the co-operative school district withdrawal process has been reviewed; consequently the committee felt a study is warranted. Vote 19-0.

#### **Amendment (0030h)**

Amend subparagraph I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Three members of the senate education committee, appointed by the president of the senate.

**HB 106**, requiring ballot clerks to verify the identity of persons receiving ballots by requesting an identification card. **INEXPEDIENT TO LEGISLATE**

Rep. David R. Boutin for Election Law: The Committee heard testimony regarding the possibility of election fraud occurring without giving ballot clerks the authority to require voters to produce

a photo identification. The Committee concluded from the testimony that insufficient evidence was provided to support the claim that election fraud could or may be a serious problem; and that the Legislature should not be passing laws to make it more difficult for our citizens to vote. There is nothing in the R.S.A.'s that would prohibit the challenge of a voter and the requirement that the voter execute an affidavit prior to voting. The Committee Report indicates a vote of 18-1, Inexpedient to Legislate. Vote 18-1.

**HB 172**, extending the reporting date for the committee studying the issue of the use and disposal of sludge or septage. OUGHT TO PASS

Rep. M. Kathryn Aranda for Environment and Agriculture: This bill extends the reporting date of the joint committee established by the passage of HB 1323 (1996) from November 1, 1996 to November 1, 1997. This reporting date needed to be extended in order to allow the study committee to complete its work on a controversial subject. Vote 18-0.

**HB 138-FN**, relative to the design and the display of the state flag. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: This bill is identical to HB 552 (1995) which was studied by the Public Protection and Veteran's Affairs Committee in the last session. The chairman and several members of this former committee, including sponsors of the bill, asked that the bill be reported ITL. The committee unanimously agreed that the design of the state flag need not be changed at this time. Material related to the history of the NH state flag will be preserved for further referral. Vote 21-0.

**HB 145-FN**, relative to eligibility of certain group II retirement system members to transfer certain group I creditable service to group II creditable service. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would allow members of the NHRS group II with less than 5 years in group I to transfer this time to group II creditable service with the cost to be borne by the special account. In 1988, the legislature established the split benefits concept to allow those with service in both group I and II to receive the proper benefits from each group upon retirement, the so called split benefits retirement. The committee feels that this program is working well, is properly funded and does not mandate additional costs upon the state or political subdivisions to pick up additional contributions that would be required. Vote 20-0.

**HB 188-FN**, relative to the authority of the boxing and wrestling commission. OUGHT TO PASS

Rep. Jon P. Beaulieu for Executive Departments and Administration: This bill deletes the authority of the boxing and wrestling commission to oversee amateur boxing and wrestling. The commission retains its authority over professional boxing and wrestling. Under this bill, New Hampshire will join the other 49 states with amateur boxing governed by United States Amateur Boxing, Inc. Vote 21-0.

**HB 237**, authorizing the board of barbering, cosmetology, and esthetics to adopt rules relative to conditions and standards for persons engaged in demonstrating the use of any machine or other article for purposes of sale. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The prime sponsor asked to have the bill withdrawn as it was no longer necessary. The committee agreed with the sponsor and voted the bill as inexpedient to legislate. Vote 21-0.

**HB 103**, relative to the standard of care owed by landowners to children. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: The committee believes this legislation will have a chilling effect on the way we do things in New Hampshire; recent proposals and initiatives by the legislature to get easements from landowners to open their lands to the public for recreational purposes; and generally expands the body of law governing liability. This legislation would be in conflict with at least three current sections of the statutes. Further, higher standards would be placed not only on individual landowners, but cities and towns as well. Selectmen concerned with opening the liability of the town would be reluctant to accept gifts of land to the community. Vote 18-0.

**HB 114**, requiring members of conservation commissions to be residents of the city or town which they represent. **OUGHT TO PASS**

Rep. Paul A. McGuirk for Municipal and County Government: This bill will conform to other statutes as regards residency requirements for elected or appointed boards and elected or appointed commissions in municipalities. Vote 16-1.

**HB 160**, authorizing the governing body of the town of Raymond to order an assessor's plat to clarify property ownership. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: This bill is the remedy for a long standing problem with lot lines in a trailer development in which the lots are all individually owned. When first built, roads were put in the wrong place. This bill allows all the affected lot lines and deeds to conform to the present situation. It also serves to clarify titles to these properties. The towns, the property owners, and the lending institutions all agree with this. It is the logical and easy way out of a sticky wicket. The first part of the amendment clarifies the definition of lowest responsible bidder. The second part of the amendment ties the metes and bounds of the subdivision lot lines to the New Hampshire state plane coordinate system, North American DATUM of 1983. Vote 17-0.

### **Amendment (0022h)**

Amend paragraph I of section 5 of the bill by replacing it with the following:

I. All surveying services necessitated by such project shall be subject to competitive bidding, with the governing body responsible for determining the lowest responsible bidder, as defined in RSA 28:8-e, II.

Amend subparagraph II(b) of section 7 of the bill by replacing it with the following:

(b) A clear and concise description of the land so surveyed and mapped by metes and bounds beginning with some corner marked and established in the New Hampshire state plane coordinate system, North American DATUM of 1983.

**HB 193**, to amend the procedures for the election of officers in the Lebanon school district. **OUGHT TO PASS**

Rep. Joseph E. Stone for Municipal and County Government: When the Lebanon School District adopted the provisions of Senate Bill 2 (1995) at their last district meeting three problems arose. The time of elections, the filing period and the terms of office under the 1973 legislation were in conflict with the provisions of Senate Bill 2. This legislation corrects the problem. Vote 17-0.

**HB 101-FN-L**, requiring a certain road in the town of Lyman to be maintained year-round by the state. **INEXPEDIENT TO LEGISLATE**

Rep. Rep. Merle W. Schotanus for Public Works and Highways: This bill was found inexpedient because it could establish a precedent which would require the state Department of Transportation (New Hampshire DOT) to increase the level of maintenance on over four hundred miles of state roads. To alleviate the winter maintenance problem on its 4.2 miles of class II-B road, the town of Lyman could: apply for state aid (one third town, two thirds state match) to bring the road to state standards after which the NH DOT would perform all maintenance; or request legislation to re-classify the road to class V which would make it eligible for block grant highway funds to help offset the cost of winter maintenance. Since part of the road lies in the town of Lisbon, it is recommended that both towns work jointly and contact the NH DOT as soon as possible to determine procedures, timing and probable costs to reconstruct the road. The sponsor has talked with the committee and the town and their avenues will be explored, and the committee will work with the sponsors, towns and DOT to assist in the process. Vote 15-2.

**HB 137-A**, relative to the Abbott or Bridge Street bridge in Pelham and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Paul I. LaMott for Public Works and Highways: This bill is rejected because it would establish a precedent which requires the state to appropriate the funds required to meet the state match (80/20) for safety modifications to the historic Pelham stone bridge. This does not preclude the town proceeding with the historic renovation of the bridge for which the town has already raised the necessary matching funds (\$20,000). The remaining cost of safety improvements (\$85,000) is also eligible for state bridge aid once the requisite match (\$17,000) is raised by the town. Vote 17-0.

**HB 155-L**, relative to the maintenance of roads within certain village districts. **INEXPEDIENT TO LEGISLATE**

Rep. Winston H. McCarty for Public Works and Highways: This bill pertains to the funding of maintenance of roads in village districts within the towns of Madison and Waterville Valley. Some village districts were formed for the purpose of avoiding requirements of the towns in the construction of the roads but are now looking for additional funding. The committee was very reluctant to vote for this with all the private roads within the state in condominium - mobile home developments and other such areas. The fund from which requests are being made serves all towns and will be reduced if these requests are honored. Until such time as the districts and or associations formally petition the towns for takeover of the roads, this type of legislation should be found inexpedient to legislate. Vote 17-0.

**HB 175-FN**, authorizing the commissioner of the department of transportation to open the Hooksett toll to southbound traffic during the conclusion of the Winston Cup races. **INEXPEDIENT TO LEGISLATE**

Rep. Leon Calawa, Jr. for Public Works and Highways: The Commissioner of the Department of Transportation told the committee that they now can open eight lanes of traffic at peak hours. This can now satisfy up to seven hundred cars per hour, and he has the emergency power to open all gates in an emergency, if necessary. Testimony also showed that during race weeks the worst back-ups were not occurring at the toll booths, and a large percentage of the traffic passing through the toll booths during race times was not race traffic related. The committee voted unanimously that this bill be inexpedient to legislate primarily since this authority already rests with the Commissioner of DOT. Vote 17-0.

**HB 199-FN**, to include highways designated as part of the National Highway System within the definition of "federal aid primary system" for purposes of the control of outdoor advertising. **OUGHT TO PASS**

Rep. Katherine D. Rogers for Public Works and Highways: This bill would redefine New Hampshire's definition of "Federal Aid Primary System" to correspond and be in compliance with the federal definition. The two highways affected by this change are NH Route 106 from the intersection of Interstate 393 in Concord to the intersection of the NH Route 11 in Laconia, and United States Route 3 from Exit 20 in Tilton to Lochmere, near the Sanbornton town line. In becoming part of the National Highway System, these highways will become subject to outdoor advertising control in NH consistent with other National Highway System roads in the state.

Vote 16-1.

**HB 109-FN**, requiring the state to rebate to the seller a portion of the state car registration fee for a car sold after the seller registers it. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders, Sr. for Transportation: It is the feeling of the committee that the small amount of the refund would not be cost effective for either the Department of Safety or the consumer. Vote 17-0.

**HB 116-FN-L**, allowing for the surviving spouse of a former prisoner of war (POW) to retain the special number plates after the death of the former prisoner of war. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: The committee felt that the intent of the original law as well as the intent of other special plates, i.e., Pearl Harbor, was to honor the person affected and that the plate would not be transferable. Vote 17-0.

### REGULAR CALENDAR

**HB 129**, relative to the definition of emergency services for health care insurance purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Toni M. Crosby for Commerce: This bill as amended reflects the work of an interim study committee held this summer. The committee feels that the definition of emergency services for health care insurance purposes laid out in the amended bill provides the best consumer protection for the use of emergency services. Vote 18-0.

### Amendment (0036h)

Amend RSA 417-F:3 as inserted by section 1 of the bill by replacing it with the following:

**417-F:3 Prior Authorization.** A participating provider or other authorized representative of the plan that gives prior authorization shall not rescind or modify the authorization after the health care provider has rendered the authorized emergency services care in good faith and the enrollee's, insured's, or subscriber's coverage was effective on the date of service.

Adopted.

Report adopted and ordered to third reading.

**HB 161**, relative to pecuniary benefit transactions by charitable trusts. **OUGHT TO PASS**

Rep. Gregory G. Carson for Commerce: This bill makes hospitals and educational institutions subject to the Charitable Trust Act. It permits hospitals and educational institutions to have on their boards individuals who are paid for work by those institutions, such as physicians and faculty members, as long as those individuals do not exceed 25% of the board composition. The bill also clarifies for all "non-profits" that they are charitable trusts under New Hampshire law. Vote 15-3.

Adopted and ordered to third reading.

**HB 192**, exempting certain people from laws relative to the licensing of engineers. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: No state currently offers a license to "software engineers". Should the state of New Hampshire decide to establish an oversight board for software engineers, this committee would not have oversight over this issue. The minority wanted the bill re-referred, the committee majority feels it isn't necessary at this time. Vote 11-8.

Adopted.

**HB 224**, delaying the start date for the auto emissions inspection program. **OUGHT TO PASS**

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The bill delays the start of the auto emissions inspection program by one more year, to not earlier than July 1, 1998. Additional information has reinforced the committee's previous understanding that this program would not effectively address the environmental problems it purports to solve. Another year may allow more cost-effective alternatives to be developed. Vote 16-0.

Adopted and ordered to third reading.

**HB 150-FN**, relative to the unlawful alteration of temporary motor vehicle registration plates. **OUGHT TO PASS**

Rep. Thomas J. Boriso for Transportation: This would prevent alterations of temporary paper plates on motor vehicles that is happening now. Thus, the committee felt that this should be included with other sticker type violations. Vote 13-4.

Adopted and ordered to third reading.

### SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the rules be so far suspended as to permit consideration at the present time, without the proper notice of hearing, of **SB 107**, giving the deputy legislative budget assistant the authority to perform the duties of the legislative budget assistant under certain circumstances.

Adopted by the necessary two-thirds.

### REGULAR CALENDAR (Cont'd.)

**SB 107**, giving the deputy legislative budget assistant the authority to perform the duties of the legislative budget assistant under certain circumstances. **OUGHT TO PASS**

Rep. Neal M. Kurk for Finance: This bill updates the duties of the deputy legislative budget assistant when the position of legislative budget assistant is vacant or the LBA is unable to perform the duties of the position. The intent is to give the deputy LBA the same responsibilities already given to other deputy legislative officials. Vote 20-0.

Adopted and ordered to third reading.

**HB 232**, prohibiting the carrying of firearms and certain other weapons into certain state buildings by persons other than law enforcement personnel. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen J. Adams for Criminal Justice and Public Safety: The provisions of this bill would require a checking procedure at all entrances to the state house, legislative office building, and state house annex, sending a "chilling" message to the public. Also, if this bill were enacted, the logistics of enforcement and cost of implementation would be excessive. Vote 18-3.

Reps. Morello and Melcher spoke against.

Reps. Adams and Lyman spoke in favor.

On a division vote, 279 members having voted in the affirmative and 89 in the negative, the report was adopted.

**HB 164**, relative to certain discussions under the right-to-know law. **INEXPEDIENT TO LEGISLATE**

Rep. Deborah L. Woods for Judiciary and Family Law: All testimony on this bill indicated that it would create problems and not address the concerns of the sponsor. Vote 18-0.

Adopted.

**HB 182-FN**, requiring the department of transportation to hold a public hearing relative to the construction of a truck safety station on route 4 in Chichester. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. McKinley for Public Works and Highways: The Department of Transportation presently owns the land which is the basis of this request to hold a public hearing relative to the construction of a truck safety inspection station. Since a public informational hearing is required by the DOT, and authorizing a public hearing for this issue would be of no benefit to the concerned parties, the committee on Public Works & Highways voted unanimously that this bill should be inexpedient to legislate. Vote 17-0.

Rep. Mary Brown spoke against and yielded to questions.

Rep. Gene Chandler spoke in favor and yielded to questions.

On a division vote, 257 members having voted in the affirmative and 109 in the negative, the report was adopted.

**HB 217**, relative to outdoor advertising hearings in the department of transportation. **OUGHT TO PASS**

Rep. Katherine D. Rogers for Public Works and Highways: This bill would delete the requirement for automatic administrative hearings on outdoor advertising control issues and transfer the initiation of such hearings to the licensee. This change will save the state time and money while at the same time preserve the right of due process. Vote 16-0.

Adopted and ordered to third reading.

## AMENDMENTS TO HOUSE RULES

Rep. Channing Brown offered the following:

### Amendment (0020h)

Amend House Rule 2 to read as follows:

2. The Speaker shall preserve decorum and order, may speak on points of order in preference to other members, and shall decide questions of order, subject to an appeal to the House by any ~~[member]~~ *two members*. The appeal shall be decided by a majority vote of those members present and voting.

### AMENDED ANALYSIS

This amendment to House Rule 2 states that 2 members, instead of one, are required for an appeal of certain decisions of the Speaker.

Adopted.

Rep. Cobbin offered a floor amendment.

### Floor Amendment (0021h)

Amend House Rule 35(b) to read as follows:

(b) ~~[The Office of Legislative Services shall not accept a request to draft any bill which is the same, or essentially the same, as any other drafting request already accepted in the same session.]~~ If duplicate or similar legislation is requested, the Director of Legislative Services shall notify the sponsors of each filing request and *may* mediate an agreement for the filing of a single bill. ~~[Filing requests resulting from legislative committee work shall take precedence over all other duplicate or similar filings. The name of the House member whose LSR request is denied due to duplication may be substituted on request for that of the original sponsor if the original sponsor withdraws the drafting request prior to the sign-off deadline.]~~

House Rule 45(c), relative to requiring the House to dispose of a majority report before considering an alternative report, is repealed.

**AMENDED ANALYSIS**

The amendment to House Rule 35 eliminates the duplicate bill prohibition and the requirement that requests filed as a result of legislative committee work take precedence over all other duplicate or similar filings.

The amendment to House Rule 45 deletes the requirement that the printed majority report of the committee be considered first and deletes the requirement that the House dispose of a majority report before considering an alternative report.

Rep. Cobbin requested that the question be divided. The Speaker ruled that the question was divisible. The question now being the adoption of the floor amendment to House Rule 35(b).

Rep. Cobbin spoke in favor.

Rep. Henderson spoke against.

The floor amendment to House Rule 35(b) failed.

The question now being the adoption of the floor amendment to House Rule 45(c)

Reps. Cobbin and Dickinson spoke in favor.

Reps. Henderson and Gene Chandler spoke against and yielded to questions.

Rep. Dickinson requested a roll call; sufficiently seconded.

**YEAS 186 NAYS 185****YEAS 186****BELKNAP**

Laflam, Robert

Veazey, John

**CARROLL**

Cooper, Kipp

Dickinson, Howard, Jr.

Philbrick, Donald

**CHESHIRE**

Avery, Stephen

Bonneau, Sarah

Burnham, Daniel

DePecol, Benjamin

Doucette, Richard

Lynch, Margaret

Manning, Joseph

McGuirk, Paul

Pratt, Irene

Pratt, John

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

Vogl, John

**COOS**

Bradley, Paula

Coulombe, Yvonne

Hawkinson, Marie

Mcynihan, Wayne

**GRAFTON**

Akins, Ralph

Alger, John

Almy, Susan

Below, Clifton

Cobbin, Philip

Connolly, Steven

LaMott, Paul

Lovett, Sidney

Luker, Elsa

Mirski, Paul

Nordgren, Sharon

Phinney, William

Root, John

Teschner, Douglass

Trelfa, Richard

Weber, Phil

**HILLSBOROUGH**

Ackerman, Philip

Allen, W. Gordon

Asselin, Robert

Barry, William, III

Batula, Peter

Bergin, Peter

Bernier, Shannon

Boutin, David

Buckley, Raymond

Burke, M. Virginia

Cardin, Lori

Carlson, Donald

Chabot, Robert

Clemons, Jane

Cote, David

Cote, Peter

D'Allesandro, Lou

Daigle, Robert

Desrosiers, William

Drabinowicz, A. Theresa

Dwyer, Paul, Sr.

Fenton, James

Flora, Kathleen

Foster, Joseph

Foster, Linda

Franks, Suzan

Gage, Ruth

Ginsburg, Ruth

Gosselin, Gerald

Haettenschwiller, Alphonse

Hall, Betty

Hart, Nick

Jean, Claudette

Jean, Loren

Kelly, Michael

Lefebvre, Roland

Leonard, Peter

Lynde, Harold

MacAuslan, Rita

Marcinkowski, Michael

Martin, Mary

McCarthy, William

McGough, Tim

Milligan, Robert

Murphy, Robert

Pepino, Leo

Perkins, Paul

Reidy, Frank

Searles, Stanley, Sr.

Taylor, Paul

Turgeon, Roland

Vaillancourt, Steve

Welch, Donald

White, Donald

White, Jay

Williams, Carol

**MERRIMACK**

Adams, Stephen  
Crosby, Toni  
Feuerstein, Martin  
Lavoie, Gerard  
Pfaff, Terence  
St. Cyr, Gerard

Anderson, Eric  
Daneault, Gabriel  
Fraser, Marilyn  
Marshall, Kenneth  
Reardon, Tara  
Wallin, Jean

Brown, Mary  
DeStefano, Stephen  
French, Barbara  
Moore, Carol  
Rogers, Katherine  
Wallner, Mary Jane

Burney, Carol  
Dunn, Miriam  
Gile, Mary  
Owen, Derek  
Seldin, Gloria  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Coes, Betsy  
Downing, Michael  
Flanagan, Natalie  
Kobel, Rudolph  
Norelli, Terie  
Sabella, Norma

Beaulieu, Jon  
Cushing, Robert  
Dube, LeRoy  
Hutchinson, Rebecca  
McGovern, Cynthia  
O'Keefe, Patricia  
Schanda, Frank

Blanchard, MaryAnn  
Dodge, Robert  
Dunham, Vivian  
Kane, Cecelia  
Micklon, Stephanie  
Pantelakos, Laura  
Syracusa, Anthony

Clark, Martha  
Dolan, Richard  
Fesh, Robert  
Kelley, Jane  
Mikowski, Walter  
Rubin, George  
Weatherspoon, Jackie

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Hemon, Roland  
Lundborn, Raymond  
Musler, George  
Smith, Marjorie  
Taylor, Kathleen

Bickford, David  
Dunlap, Patricia  
Hilliard, Dana  
McCann, William, Jr.  
Pelletier, Arthur  
Snyder, Clair  
Twardus, Joseph

Brennan, William  
Estabrook, Iris  
Kaen, Naida  
Merrill, Amanda  
Rogers, Rose Marie  
Spear, Barbara  
Vachon, Dennis

Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Merritt, Deborah  
Rollo, Michael  
Sullivan, Henry  
Vincent, Francis

**SULLIVAN**

Adler, Rudolf  
Donovan, Thomas  
Schotanus, Merle

Allison, David  
Kibbey, David  
Wiggins, Celestine

Burling, Peter  
Lindblade, Eric

Cloutier, John  
Palmer, Lorraine

**NAYS 185****BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Lawton, Robert  
Thomas, John

Boriso, Thomas  
Holbrook, Robert  
Pilliod, James  
Turner, Robert

Boyce, Robert  
Hurt, George  
Rice, Thomas, Jr.  
Ziegler, Alice

Clark, Charles  
Lawton, David  
Rosen, Ralph

**CARROLL**

Babson, David, Jr.  
Howard, Godfrey  
Mock, Henry

Bradley, Jeb  
Kenney, Joseph  
Patten, Betsey

Chandler, Gene  
Lyman, L. Randy

Foster, Robert  
MacDonald, Kenneth

**CHESHIRE**

Champagne, Richard  
Metzger, Katherine

Hunt, John  
O'Connell, John

McNamara, Wanda  
Smith, Edwin

Meador, David  
Steere, Myron, III

**COOS**

Coulombe, Henry  
Merrill, Gerald

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn  
Tholl, John, Jr.

**GRAFTON**

Brown, Channing  
Ham, Bonnie  
Williams, William, Jr.

Chase, Paul, Jr.  
Hill, Richard

Eaton, Stephanie  
Hinman, Harry

Guaraldi, Lawrence  
MacNeil, Allen

**HILLSBOROUGH**

|                       |                        |                     |                    |
|-----------------------|------------------------|---------------------|--------------------|
| Alukonis, David       | Amidon, Eleanor        | Arnold, Thomas, Jr. | Baroody, Benjamin  |
| Belvin, William       | Briefs, Geoffrey       | Brundige, Robert    | Calawa, Leon, Jr.  |
| Carney, Lauren        | Christiansen, Lars     | Clay, Susan         | Clegg, Robert, Jr. |
| Daniels, Gary         | Dawe, Eileen           | Dokmo, Cynthia      | Durham, Susan      |
| Dyer, Merton          | Emerton, Lawrence, Sr. | Feng, David         | Ferguson, Charles  |
| Fields, Dennis        | Gagnon, Eugene         | Golding, William    | Goulet, Maurice    |
| Haley, Robert         | Hansen, Herbert        | Herman, Keith       | Holden, Carol      |
| Holley, Sylvia        | Hunter, Bruce          | Johnson, Lionel     | Kelley, Robert     |
| Kurk, Neal            | L'Heureux, Robert      | LaRose, Richard     | Leishman, Peter    |
| Lessard, Rudy         | Letendre, Evelyn       | Lozeau, DonnaLee    | Luebkert, Bernard  |
| MacGillivray, Jeffrey | MacIntyre, Doris       | McCarty, Winston    | McRae, Karen       |
| Melcher, Harold       | Mercer, Robert         | Messier, Irene      | Mittelman, David   |
| Morello, Michael      | Murch, George          | O'Hearn, Jane       | Peterson, Andrew   |
| Riley, Frances        | Sargent, Maxwell       | Sullens, Joan       | Thulander, O. Alan |
| Wheeler, Robert       | Wright, George         |                     |                    |

**MERRIMACK**

|                   |                    |                |                   |
|-------------------|--------------------|----------------|-------------------|
| Chandler, Earle   | Colburn, Thomas    | Crowell, Peter | Hager, Elizabeth  |
| Hess, David       | Hoadley, Elizabeth | Jacobson, Alf  | Krueger, Patricia |
| Langer, Ray       | Larrabee, David    | Leber, William | Lockwood, Robert  |
| Maxfield, Roy     | Morrill, Olive     | Nichols, Avis  | Whalley, Michael  |
| Whittemore, James |                    |                |                   |

**ROCKINGHAM**

|                       |                     |                          |                       |
|-----------------------|---------------------|--------------------------|-----------------------|
| Aranda, M. Kathryn    | Arndt, Janet        | Battles-Peirce, Marjorie | Belanger, Ronald      |
| Bishop, Franklin      | Camm, Kevin         | Carson, Gregory          | Case, Margaret        |
| Christie, Andrew, Jr. | Cooney, Richard     | Dearborn, Bruce          | Dowd, Sandra          |
| Dowling, Patricia     | Felch, Charles, Sr. | Flanders, John, Sr.      | Francoeur, Sheila     |
| Frechette, Joseph     | Gibbons, Paul       | Gleason, John            | Guthrie, Joseph       |
| Heath, John           | Henderson, Warren   | Johnson, Robert          | Katsakiores, George   |
| Katsakiores, Phyllis  | Klemm, Arthur, Jr.  | Langley, Jane            | Langone, John         |
| Letourneau, Robert    | Major, Norman       | Malcolm, Kenneth         | McCarthy, John, Jr.   |
| McKinney, Betsy       | Moore, Benjamin     | Nowe, Ronald             | Noyes, Richard        |
| Packard, Sherman      | Raynowska, Bernard  | Reardon, Neil            | Simmons, John Anthony |
| Smith, Kevin          | Stickney, Nancy     | Stone, Joseph            | Stritch, Charles      |
| Tufts, J. Arthur      | Varrell, Thomas     | Vaughn, Charles          | Verani, Giovanni      |
| Welch, David          | Weyler, Kenneth     | Woods, Deborah           |                       |

**STRAFFORD**

|                  |                  |           |                |
|------------------|------------------|-----------|----------------|
| Knowles, William | McKinley, Robert | Torr, Ann | Torr, Franklin |
| Tsiros, William  | Wall, Janet      |           |                |

**SULLIVAN**

|                 |                  |                |
|-----------------|------------------|----------------|
| Ferland, Brenda | Krueger, Richard | Leone, Richard |
|-----------------|------------------|----------------|

*The Speaker voted in the negative, creating a tie and the floor amendment to House Rule 45(c) failed.*

**MOTION TO RECONSIDER**

Rep. Boutin moved that the House reconsider its action whereby it failed to adopt the floor amendment to House Rule 45(c).

Rep. Boutin did not vote on the prevailing side and therefore his motion was ruled out of order.

**RECONSIDERATION**

Having voted on the prevailing side, Rep. Champagne moved that the House reconsider its action whereby it failed to adopt the floor amendment to House Rule 45(c).

Rep. Dickinson spoke in favor.

Rep. Wheeler spoke against.

Rep. Kirk requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

**YEAS 211 NAYS 160****YEAS 210****BELKNAP**

|              |                |              |              |
|--------------|----------------|--------------|--------------|
| Hurt, George | Laflam, Robert | Thomas, John | Veazey, John |
|--------------|----------------|--------------|--------------|

**CARROLL**

|                        |                 |                   |
|------------------------|-----------------|-------------------|
| Dickinson, Howard, Jr. | Howard, Godfrey | Philbrick, Donald |
|------------------------|-----------------|-------------------|

**CHESHIRE**

|                   |                     |                 |                    |
|-------------------|---------------------|-----------------|--------------------|
| Avery, Stephen    | Bonneau, Sarah      | Burnham, Daniel | Champagne, Richard |
| DePecol, Benjamin | Doucette, Richard   | Lynch, Margaret | Manning, Joseph    |
| McGuirk, Paul     | Meador, David       | O'Connell, John | Pratt, Irene       |
| Pratt, John       | Richardson, Barbara | Riley, William  | Robertson, Timothy |
| Russell, Ronald   | Vogl, John          |                 |                    |

**COOS**

|                |                  |                   |                  |
|----------------|------------------|-------------------|------------------|
| Bradley, Paula | Coulombe, Yvonne | Davis, Perley     | Hawkinson, Marie |
| Horton, Lynn   | Moynihn, Wayne   | St. Hilaire, Paul | Tholl, John, Jr. |

**GRAFTON**

|                  |                    |                  |                  |
|------------------|--------------------|------------------|------------------|
| Akins, Ralph     | Almy, Susan        | Below, Clifton   | Cobbin, Philip   |
| Connolly, Steven | LaMott, Paul       | Lovett, Sidney   | Luker, Elsa      |
| MacNeil, Allen   | Mirski, Paul       | Nordgren, Sharon | Phinney, William |
| Root, John       | Teschner, Douglass | Trelfa, Richard  | Weber, Phil      |

**HILLSBOROUGH**

|                         |                       |                     |                            |
|-------------------------|-----------------------|---------------------|----------------------------|
| Ackerman, Philip        | Allen, W. Gordon      | Arnold, Thomas, Jr. | Asselin, Robert            |
| Baroody, Benjamin       | Barry, William, III   | Batula, Peter       | Bergin, Peter              |
| Bernier, Shannon        | Boutin, David         | Buckley, Raymond    | Burke, M. Virginia         |
| Cardin, Lori            | Carlson, Donald       | Clemons, Jane       | Cote, David                |
| Cote, Peter             | D'Allesandro, Lou     | Daigle, Robert      | Desrosiers, William        |
| Drabinowicz, A. Theresa | Dwyer, Paul, Sr.      | Fenton, James       | Ferguson, Charles          |
| Flora, Kathleen         | Foster, Joseph        | Foster, Linda       | Franks, Suzan              |
| Gage, Ruth              | Ginsburg, Ruth        | Gosselin, Gerald    | Haettenschwiller, Alphonse |
| Haley, Robert           | Hall, Betty           | Hart, Nick          | Jean, Claudette            |
| Jean, Loren             | Johnson, Lionel       | Kelly, Michael      | L'Heureux, Robert          |
| Lefebvre, Roland        | Leonard, Peter        | Letendre, Evelyn    | Lynde, Harold              |
| MacAuslan, Rita         | Martin, Mary          | McCarthy, William   | McGough, Tim               |
| Melcher, Harold         | Messier, Irene        | Milligan, Robert    | Murch, George              |
| Murphy, Robert          | Pepino, Leo           | Perkins, Paul       | Reidy, Frank               |
| Riley, Frances          | Searles, Stanley, Sr. | Taylor, Paul        | Turgeon, Roland            |
| Vaillancourt, Steve     | Welch, Donald         | White, Donald       | White, Jay                 |
| Williams, Carol         |                       |                     |                            |

**MERRIMACK**

|                   |                    |                    |                   |
|-------------------|--------------------|--------------------|-------------------|
| Adams, Stephen    | Brown, Mary        | Burney, Carol      | Crosby, Toni      |
| Daneault, Gabriel | DeStefano, Stephen | Dunn, Miriam       | Fraser, Marilyn   |
| French, Barbara   | Gile, Mary         | Jacobson, Alf      | Larrabee, David   |
| Lavoie, Gerard    | Marshall, Kenneth  | Moore, Carol       | Owen, Derek       |
| Pfaff, Terence    | Reardon, Tara      | Rogers, Katherine  | Seldin, Gloria    |
| St. Cyr, Gerard   | Wallin, Jean       | Wallner, Mary Jane | Whittemore, James |
| Yeaton, Charles   |                    |                    |                   |

**ROCKINGHAM**

|                   |                     |                    |                      |
|-------------------|---------------------|--------------------|----------------------|
| Abbott, Dennis    | Beaulieu, Jon       | Bishop, Franklin   | Blanchard, MaryAnn   |
| Camm, Kevin       | Clark, Martha       | Coes, Betsy        | Cushing, Robert      |
| Dodge, Robert     | Dolan, Richard      | Downing, Michael   | Dube, LeRoy          |
| Dunham, Vivian    | Fesh, Robert        | Flanagan, Natalie  | Gleason, John        |
| Heath, John       | Hutchinson, Rebecca | Kane, Cecelia      | Kelley, Jane         |
| Kobel, Rudolph    | McGovern, Cynthia   | Micklon, Stephanie | Norelli, Terie       |
| O'Keefe, Patricia | Pantelakos, Laura   | Rubin, George      | Sabella, Norma       |
| Schanda, Frank    | Syracusa, Anthony   | Vaughn, Charles    | Weatherspoon, Jackie |

**STRAFFORD**

|                  |                   |                      |                  |
|------------------|-------------------|----------------------|------------------|
| Berube, Roger    | Bickford, David   | Brennan, William     | Callaghan, Frank |
| DeChane, Marlene | Dunlap, Patricia  | Estabrook, Iris      | Grassie, Anne    |
| Hemon, Roland    | Hilliard, Dana    | Kaen, Naida          | Keans, Sandra    |
| Knowles, William | Lundborn, Raymond | McCann, William, Jr. | Merrill, Amanda  |
| Merritt, Deborah | Pelletier, Arthur | Rogers, Rose Marie   | Rollo, Michael   |
| Smith, Marjorie  | Snyder, Clair     | Spear, Barbara       | Sullivan, Henry  |
| Taylor, Kathleen | Tsiros, William   | Twardus, Joseph      | Vachon, Dennis   |
| Vincent, Francis | Wall, Janet       |                      |                  |

**SULLIVAN**

|                  |                    |                 |                  |
|------------------|--------------------|-----------------|------------------|
| Adler, Rudolf    | Allison, David     | Burling, Peter  | Cloutier, John   |
| Donovan, Thomas  | Kibbey, David      | Lindblade, Eric | Palmer, Lorraine |
| Schotanus, Merle | Wiggins, Celestine |                 |                  |

**NAYS 160****BELKNAP**

|                  |                   |               |                |
|------------------|-------------------|---------------|----------------|
| Bartlett, Gordon | Boriso, Thomas    | Boyce, Robert | Clark, Charles |
| Golden, Paul     | Holbrook, Robert  | Lawton, David | Lawton, Robert |
| Pilliod, James   | Rice, Thomas, Jr. | Rosen, Ralph  | Turner, Robert |
| Ziegler, Alice   |                   |               |                |

**CARROLL**

|                    |                |                 |                    |
|--------------------|----------------|-----------------|--------------------|
| Babson, David, Jr. | Bradley, Jeb   | Chandler, Gene  | Cooper, Kipp       |
| Foster, Robert     | Kenney, Joseph | Lyman, L. Randy | MacDonald, Kenneth |
| Mock, Henry        | Patten, Betsey |                 |                    |

**CHESHIRE**

|                    |                 |                    |              |
|--------------------|-----------------|--------------------|--------------|
| Hunt, John         | McNamara, Wanda | Metzger, Katherine | Smith, Edwin |
| Steere, Myron, III |                 |                    |              |

**COOS**

|                 |                |                 |                 |
|-----------------|----------------|-----------------|-----------------|
| Coulombe, Henry | Guay, Lawrence | Merrill, Gerald | Pratt, Leighton |
|-----------------|----------------|-----------------|-----------------|

**GRAFTON**

|                        |                 |                  |                  |
|------------------------|-----------------|------------------|------------------|
| Alger, John            | Brown, Channing | Chase, Paul, Jr. | Eaton, Stephanie |
| Guaraldi, Lawrence     | Ham, Bonnie     | Hill, Richard    | Hinman, Harry    |
| Williams, William, Jr. |                 |                  |                  |

**HILLSBOROUGH**

|                        |                   |                    |                  |
|------------------------|-------------------|--------------------|------------------|
| Alukonis, David        | Amidon, Eleanor   | Belvin, William    | Briefs, Geoffrey |
| Brundige, Robert       | Calawa, Leon, Jr. | Carney, Lauren     | Chabot, Robert   |
| Christiansen, Lars     | Clay, Susan       | Clegg, Robert, Jr. | Daniels, Gary    |
| Dawe, Eileen           | Dokmo, Cynthia    | Durham, Susan      | Dyer, Merton     |
| Emerton, Lawrence, Sr. | Feng, David       | Fields, Dennis     | Gagnon, Eugene   |
| Golding, William       | Goulet, Maurice   | Hansen, Herbert    | Herman, Keith    |
| Holden, Carol          | Holley, Sylvia    | Hunter, Bruce      | Kelley, Robert   |

Kurk, Neal  
Lozeau, Donnalee  
Marcinkowski, Michael  
Mittelman, David  
Sargent, Maxwell  
Wright, George

LaRose, Richard  
Luebker, Bernard  
McCarty, Winston  
Morello, Michael  
Sullens, Joan

Leishman, Peter  
MacGillivray, Jeffrey  
McRae, Karen  
O'Hearn, Jane  
Thulander, O. Alan

Lessard, Rudy  
MacIntyre, Doris  
Mercer, Robert  
Peterson, Andrew  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Feuerstein, Martin  
Krueger, Patricia  
Maxfield, Roy

Chandler, Earle  
Hager, Elizabeth  
Langer, Ray  
Morrill, Olive

Colburn, Thomas  
Hess, David  
Leber, William  
Nichols, Avis

Crowell, Peter  
Hadley, Elizabeth  
Lockwood, Robert  
Whalley, Michael

### ROCKINGHAM

Aranda, M. Kathryn  
Carson, Gregory  
Dearborn, Bruce  
Flanders, John, Sr.  
Guthrie, Joseph  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
Noyes, Richard  
Simmons, John Anthony  
Stritch, Charles  
Welch, David

Arndt, Janet  
Case, Margaret  
Dowd, Sandra  
Francoeur, Sheila  
Henderson, Warren  
Klemm, Arthur, Jr.  
Major, Norman  
Mikowski, Walter  
Packard, Sherman  
Smith, Kevin  
Tufts, J. Arthur  
Weyler, Kenneth

Battles-Peirce, Marjorie  
Christie, Andrew, Jr.  
Dowling, Patricia  
Frechette, Joseph  
Johnson, Robert  
Langley, Jane  
Malcolm, Kenneth  
Moore, Benjamin  
Raynowska, Bernard  
Stickney, Nancy  
Varrell, Thomas  
Woods, Deborah

Belanger, Ronald  
Cooney, Richard  
Felch, Charles, Sr.  
Gibbons, Paul  
Katsakiores, George  
Langone, John  
McCarthy, John, Jr.  
Nowe, Ronald  
Reardon, Neil  
Stone, Joseph  
Verani, Giovanni

### STRAFFORD

McKinley, Robert

Musler, George

Torr, Ann

Torr, Franklin

### SULLIVAN

Ferland, Brenda

Krueger, Richard

Leone, Richard

and the motion to reconsider prevailed.

Rep. Dickinson moved that the floor amendment to House Rule 45(c) be adopted.

Reps. Carson and Guay spoke against.

Rep. MacGillivray spoke against and yielded to questions.

Rep. Jacobson spoke in favor and yielded to questions.

Rep. Kurk requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment to House Rule 45(c)

**YEAS 186 NAYS 185**

**YEAS 186**

**BELKNAP**

Veazey, John

**CARROLL**

Dickinson, Howard, Jr.

Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

Bonneau, Sarah  
Doucette, Richard  
Meador, David  
Richardson, Barbara  
Vogl, John

Burnham, Daniel  
Lynch, Margaret  
O'Connell, John  
Riley, William

Champagne, Richard  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

**COOS**

|                 |                  |                  |              |
|-----------------|------------------|------------------|--------------|
| Bradley, Paula  | Coulombe, Yvonne | Hawkinson, Marie | Horton, Lynn |
| Moynihan, Wayne |                  |                  |              |

**GRAFTON**

|                  |                    |                  |                  |
|------------------|--------------------|------------------|------------------|
| Akins, Ralph     | Almy, Susan        | Below, Clifton   | Cobbin, Philip   |
| Connolly, Steven | LaMott, Paul       | Lovett, Sidney   | Luker, Elsa      |
| MacNeil, Allen   | Mirski, Paul       | Nordgren, Sharon | Phinney, William |
| Root, John       | Teschner, Douglass | Trelfa, Richard  | Weber, Phil      |

**HILLSBOROUGH**

|                            |                       |                     |                         |
|----------------------------|-----------------------|---------------------|-------------------------|
| Ackerman, Philip           | Allen, W. Gordon      | Asselin, Robert     | Baroody, Benjamin       |
| Barry, William, III        | Batula, Peter         | Bergin, Peter       | Bernier, Shannon        |
| Boutin, David              | Buckley, Raymond      | Burke, M. Virginia  | Cardin, Lori            |
| Carlson, Donald            | Clemons, Jane         | Cote, David         | Cote, Peter             |
| D'Allesandro, Lou          | Daigle, Robert        | Desrosiers, William | Drabinowicz, A. Theresa |
| Dwyer, Paul, Sr.           | Fenton, James         | Foster, Joseph      | Foster, Linda           |
| Franks, Suzan              | Gage, Ruth            | Ginsburg, Ruth      | Gosselin, Gerald        |
| Haettenschwiller, Alphonse | Haley, Robert         | Hall, Betty         | Hart, Nick              |
| Jean, Claudette            | Jean, Loren           | Johnson, Lionel     | Kelly, Michael          |
| Lefebvre, Roland           | Leonard, Peter        | Letendre, Evelyn    | Lynde, Harold           |
| MacAuslan, Rita            | Martin, Mary          | McCarthy, William   | McGough, Tim            |
| Milligan, Robert           | Murphy, Robert        | Pepino, Leo         | Perkins, Paul           |
| Reidy, Frank               | Searles, Stanley, Sr. | Taylor, Paul        | Turgeon, Roland         |
| Vaillancourt, Steve        | Welch, Donald         | White, Jay          | Williams, Carol         |

**MERRIMACK**

|                    |                 |                 |                    |
|--------------------|-----------------|-----------------|--------------------|
| Adams, Stephen     | Brown, Mary     | Crosby, Toni    | Daneault, Gabriel  |
| DeStefano, Stephen | Dunn, Miriam    | Fraser, Marilyn | French, Barbara    |
| Gile, Mary         | Jacobson, Alf   | Lavoie, Gerard  | Moore, Carol       |
| Owen, Derek        | Pfaff, Terence  | Reardon, Tara   | Rogers, Katherine  |
| Seldin, Gloria     | St. Cyr, Gerard | Wallin, Jean    | Wallner, Mary Jane |
| Whittemore, James  | Yeaton, Charles |                 |                    |

**ROCKINGHAM**

|                     |                    |                      |                   |
|---------------------|--------------------|----------------------|-------------------|
| Abbott, Dennis      | Beaulieu, Jon      | Blanchard, MaryAnn   | Clark, Martha     |
| Coes, Betsy         | Cushing, Robert    | Dodge, Robert        | Dolan, Richard    |
| Downing, Michael    | Dube, LeRoy        | Dunham, Vivian       | Flanagan, Natalie |
| Hutchinson, Rebecca | Kane, Cecelia      | Kelley, Jane         | Kobel, Rudolph    |
| McGovern, Cynthia   | Micklon, Stephanie | Norelli, Terie       | O'Keefe, Patricia |
| Pantelakos, Laura   | Rubin, George      | Sabella, Norma       | Schanda, Frank    |
| Syracusa, Anthony   | Vaughn, Charles    | Weatherspoon, Jackie |                   |

**STRAFFORD**

|                  |                   |                      |                  |
|------------------|-------------------|----------------------|------------------|
| Berube, Roger    | Bickford, David   | Brennan, William     | Callaghan, Frank |
| DeChane, Marlene | Dunlap, Patricia  | Estabrook, Iris      | Grassie, Anne    |
| Hemon, Roland    | Hilliard, Dana    | Kaen, Naida          | Keans, Sandra    |
| Knowles, William | Lundborn, Raymond | McCann, William, Jr. | Merrill, Amanda  |
| Merritt, Deborah | Pelletier, Arthur | Rogers, Rose Marie   | Rollo, Michael   |
| Smith, Marjorie  | Snyder, Clair     | Spear, Barbara       | Sullivan, Henry  |
| Taylor, Kathleen | Twardus, Joseph   | Vachon, Dennis       | Vincent, Francis |
| Wall, Janet      |                   |                      |                  |

**SULLIVAN**

|                  |                    |                 |                  |
|------------------|--------------------|-----------------|------------------|
| Adler, Rudolf    | Allison, David     | Burling, Peter  | Cloutier, John   |
| Donovan, Thomas  | Kibbey, David      | Lindblade, Eric | Palmer, Lorraine |
| Schotanus, Merle | Wiggins, Celestine |                 |                  |

**NAYS 185****BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Lawton, David  
Rosen, Ralph

Boriso, Thomas  
Holbrook, Robert  
Lawton, Robert  
Thomas, John

Boyce, Robert  
Hurt, George  
Pilliod, James  
Turner, Robert

Clark, Charles  
Laflam, Robert  
Rice, Thomas, Jr.  
Ziegler, Alice

**CARROLL**

Babson, David, Jr.  
Foster, Robert  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Mock, Henry

Chandler, Gene  
Kenney, Joseph  
Patten, Betsey

Cooper, Kipp  
Lyman, L. Randy

**CHESHIRE**

Hunt, John  
Steere, Myron, III

McNamara, Wanda

Metzger, Katherine

Smith, Edwin

**COOS**

Coulombe, Henry  
Pratt, Leighton

Davis, Perley  
St. Hilaire, Paul

Guay, Lawrence  
Tholl, John, Jr.

Merrill, Gerald

**GRAFTON**

Alger, John  
Guaraldi, Lawrence  
Williams, William, Jr.

Brown, Channing  
Ham, Bonnie

Chase, Paul, Jr.  
Hill, Richard

Eaton, Stephanie  
Hinman, Harry

**HILLSBOROUGH**

Alukonis, David  
Briefs, Geoffrey  
Chabot, Robert  
Daniels, Gary  
Dyer, Merton  
Fields, Dennis  
Goulet, Maurice  
Holley, Sylvia  
L'Heureux, Robert  
Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
Murch, George  
Sargent, Maxwell  
White, Donald

Amidon, Eleanor  
Brundige, Robert  
Christiansen, Lars  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Flora, Kathleen  
Hansen, Herbert  
Hunter, Bruce  
LaRose, Richard  
Luebker, Bernard  
McCarty, Winston  
Messier, Irene  
O'Hearn, Jane  
Sullens, Joan  
Wright, George

Arnold, Thomas, Jr.  
Calawa, Leon, Jr.  
Clay, Susan  
Dokmo, Cynthia  
Feng, David  
Gagnon, Eugene  
Herman, Keith  
Kelley, Robert  
Leishman, Peter  
MacGillivray, Jeffrey  
McRae, Karen  
Mittelman, David  
Peterson, Andrew  
Thulander, O. Alan

Belvin, William  
Carney, Lauren  
Clegg, Robert, Jr.  
Durham, Susan  
Ferguson, Charles  
Golding, William  
Holden, Carol  
Kurk, Neal  
Lessard, Rudy  
MacIntyre, Doris  
Melcher, Harold  
Morello, Michael  
Riley, Frances  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Crowell, Peter  
Hoadley, Elizabeth  
Leber, William  
Morrill, Olive

Burney, Carol  
Feuerstein, Martin  
Krueger, Patricia  
Lockwood, Robert  
Nichols, Avis

Chandler, Earle  
Hager, Elizabeth  
Langer, Ray  
Marshall, Kenneth  
Whalley, Michael

Colburn, Thomas  
Hess, David  
Larrabee, David  
Maxfield, Roy

**ROCKINGHAM**

Aranda, M. Kathryn  
Bishop, Franklin  
Christie, Andrew, Jr.  
Dowling, Patricia  
Francoeur, Sheila  
Guthrie, Joseph

Arndt, Janet  
Camm, Kevin  
Cooney, Richard  
Felch, Charles, Sr.  
Frechette, Joseph  
Heath, John

Battles-Peirce, Marjorie  
Carson, Gregory  
Dearborn, Bruce  
Fesh, Robert  
Gibbons, Paul  
Henderson, Warren

Belanger, Ronald  
Case, Margaret  
Dowd, Sandra  
Flanders, John, Sr.  
Gleason, John  
Johnson, Robert

Katsakiores, George  
Langone, John  
McCarthy, John, Jr.  
Nowe, Ronald  
Reardon, Neil  
Stone, Joseph  
Verani, Giovanni

Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
Noyes, Richard  
Simmons, John Anthony  
Stritch, Charles  
Welch, David

Klemm, Arthur, Jr.  
Major, Norman  
Mikowski, Walter  
Packard, Sherman  
Smith, Kevin  
Tufts, J. Arthur  
Weyler, Kenneth

Langley, Jane  
Malcolm, Kenneth  
Moore, Benjamin  
Raynowska, Bernard  
Stickney, Nancy  
Varrell, Thomas  
Woods, Deborah

### STRAFFORD

McKinley, Robert  
Tsiros, William

Musler, George

Torr, Ann

Torr, Franklin

### SULLIVAN

Ferland, Brenda

Krueger, Richard

Leone, Richard

*The Speaker voted in the negative, creating a tie and the floor amendment failed.*

Rep. Weber offered a floor amendment.

### Floor Amendment (0063h)

Amend house rule 48 by inserting after paragraph (b) the following new paragraph:

(c) The general budget bill shall be voted on by a roll call vote in the house.

Rep. Weber spoke in favor.

Rep. Henderson spoke against.

The floor amendment failed.

### SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the rules be so far suspended as to permit the introduction of those bills and redrafts received by members after the January 17, 1997 deadline and signed off prior to the close of business on January 24, 1997.

Adopted by the necessary two-thirds.

### RESOLUTION

Rep. Wheeler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 584 through 630 and House Resolution numbered 16, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Rep. DePecol requested that the question be divided. The Speaker ruled the question was divisible. The question now being the introduction of House Bills 584 through 630.

Adopted.

### INTRODUCTION OF HOUSE BILLS

#### First, second reading and referral

**HB 584-L**, relative to the duties of school nurses. (O'Hearn, Hills 26; Squires, Dist 12; Pignatelli, Dist 13: Health, Human Services and Elderly Affairs)

**HB 585**, relative to prohibiting littering, as enforced by the fish and game department. (Abbott, Rock 19: Wildlife and Marine Resources)

**HB 586**, changing the expiration date of OHRV registrations. (Pfaff, Merr 11: Transportation)

**HB 587-FN**, relative to the system benefits charge and interim stranded costs recovery charges in electric utility restructuring. (MacGillivray, Hills 21: Science, Technology and Energy)

**HB 588-FN**, relative to certification of operators of solid waste plants, water treatment plants, and wastewater treatment plants, and adding late renewal fees. (Dickinson, Carr 2; Cooper, Carr 2: Executive Departments and Administration)

**HB 589-FN**, establishing livery plates and associated fees. (Dickinson, Carr 2; Cooper, Carr 2: Transportation)

**HB 590-FN-L**, allowing property taxpayers to choose whether to participate in the funding of nonprofit organizations through their property taxes. (Murch, Hills 31; Root, Graf 8: Local and Regulated Revenues)

**HB 591-FN**, relative to eliminating the authority of the sweepstakes commission to hold sweepstakes races at horse and dog tracks. (Lovett, Graf 6: Local and Regulated Revenues)

**HB 592-FN-A-L**, establishing a brain and spinal cord injury trust fund and an advisory council on brain and spinal cord injuries and continually appropriating a special fund. (Boyce, Belk 5; Hollingworth, Dist 23: Health, Human Services and Elderly Affairs)

**HB 593-FN-L**, extending the grant program for closure of landfills to municipalities and adding the closure of the refuse-to-energy facility at Pease to the state water pollution control revolving fund priority projects. (M. Fuller Clark, Rock 36; Syracuse, Rock 33; Frechette, Rock 33; Vaughn, Rock 35: Environment and Agriculture)

**HB 594-FN-L**, exempting towns and cities from paying condominium fees when condominium units are taken for nonpayment of taxes. (Ham, Graf 4; Gordon, Dist 2: Commerce)

**HB 595-FN**, protecting consumers from the unlicensed practice of law. (Lockwood, Merr 9: Judiciary and Family Law)

**HB 596-FN**, repealing the law prohibiting the bribing or intimidating of voters. (Arndt, Rock 27: Election Law)

**HB 597-FN-A**, creating a tax on gross receipts of health care services. (Allen, Hills 1: Health, Human Services and Elderly Affairs)

**HB 598-FN**, relative to liens on aircraft for nonpayment of aircraft registration fees. (Weyler, Rock 18; Noyes, Rock 26; Leber, Merr 1: Dwyer, Hills 43; Milligan, Hills 18: Transportation)

**HB 599-FN**, relative to youth access to tobacco products. (Nordgren, Graf 10; R. Foster, Carr 10; Buckley, Hills 44; Ziegler, Belk 5; Holt, Hills 35; Cohen, Dist 24; Gordon, Dist 2; Hollingworth, Dist 23; Russman, Dist 19: Commerce)

**HB 600**, consolidating administrative support for the regulation of health professionals. (Dyer, Hills 8; Goulet, Hills 15: Executive Departments and Administration)

**HB 601-FN-A**, to develop a statewide technology program for educational institutions and establishing a 5 percent tax on video rentals to fund the program. (M. Fuller Clark, Rock 36; Vaughn, Rock 35: Education)

**HB 602-FN-A**, repealing the franchise tax on electrical utilities and replacing it with a tax on the distribution of electricity. (Below, Graf 13; MacGillivray, Hills 21: Finance)

**HB 603-FN-A**, exempting the first \$300,000 in value of the total estate of a decedent from the legacies and successions tax. (Almy, Graf 14; McGuirk, Ches 1; Below, Graf 13: Finance)

**HB 604-FN-L**, relative to accessing information in delinquency cases. (Lyman, Carr 5; Pignatelli, Dist 13; Gordon, Dist 2: Criminal Justice and Public Safety)

**HB 605-FN-L**, relative to procedures regarding delinquent children under RSA 169-B. (Lyman, Carr 5; Pignatelli, Dist 13; Gordon, Dist 2: Criminal Justice and Public Safety)

**HB 606-FN-L**, relative to procedures regarding children in need of services under RSA 169-D. (Woods, Rock 25; Pignatelli, Dist 13; Gordon, Dist 2: Judiciary and Family Law)

**HB 607-FN**, relative to special number plates for certain veterans. (Kenney, Carr 6: Transportation)

**HB 608-FN**, providing that a district court shall not require the department of health and human services to certify a particular provider of children's services. (Woods, Rock 25; Holden, Hills 14: Judiciary and Family Law)

**HB 609-FN-L**, enacting the Uniform Interstate Family Support Act (UIFSA), and relative to child support. (Clay, Hills 4; Woods, Rock 25; Larsen, Dist 15; Russman, Dist 19: Judiciary and Family Law)

**HB 610-FN**, relative to the regulation of small telephone companies by the public utilities commission. (McRae, Hills 7: Science, Technology and Energy)

**HB 611-FN**, making state securities laws comply with the National Securities Markets Improvement Act. (Flanagan, Rock 14: Commerce)

**HB 612-FN**, requiring the state board of education and the department of education to establish suitable tests of academic knowledge to be administered as a prerequisite for certification of new teachers in New Hampshire. (Root, Graf 8; Weber, Graf 11; Cobbin, Graf 11; Rubens, Dist 5; D. Wheeler, Dist 11: Education)

**HB 613-FN-A-L**, establishing a flat county property tax to fund basic education. (Allen, Hills 1: Education)

**HB 614-FN**, making any person who, while operating a motor vehicle, fails to yield in certain circumstances guilty of a class B misdemeanor if such failure results in an accident or an injury. (Asselin, Hills 47: Criminal Justice and Public Safety)

**HB 615-FN**, allowing group accounts for certain employers under the unemployment compensation laws. (Kenney, Carr 6: Labor, Industrial and Rehabilitative Services)

**HB 616-FN**, relative to jury selection reforms. (Mittelman, Hills 37; Knowles, Straf 11: Judiciary and Family Law)

**HB 617-FN-A-L**, relative to payments for catastrophic aid for special education and making an appropriation therefor. (Belvin, Hills 14: Finance)

**HB 618-FN**, relative to increasing certain state park fees. (M. Whalley, Merr 5; P. Bradley, Coos 6; Royce, Ches 9; M. Fuller Clark, Rock 36; Merritt, Straf 8; Podles, Dist 16: Resources, Recreation and Development)

**HB 619-FN-A**, establishing a sunset review process for state agencies and making an appropriation therefor. (Mirski, Graf 12; McCann, Straf 11: Executive Departments and Administration)

**HB 620**, allowing a municipality to adopt plans to delay reassessments on businesses which expand in central business districts and on historic buildings listed with the National Register of Historic Places. (Pepino, Hills 40; St. Hilaire, Coos 7: Local and Regulated Revenues)

**HB 621**, exempting wilderness/back country rescuers from RSA 151-B. (P. Bradley, Coos 6; Mock, Carr 3; R. Foster, Carr 10: Health, Human Services and Elderly Affairs)

**HB 622-FN**, requiring legislative approval of certain out-of-court settlements of claims against the state. (Kurk, Hills 5; Hess, Merr 11: Legislative Administration)

**HB 623**, allowing a landlord or housing owner under the housing finance authority to terminate a tenancy to allow a family member to occupy the premises. (L. Jean, Hills 17; Francoeur, Dist 14: Judiciary and Family Law)

**HB 624**, subjecting certain payments made to public employees upon resignation, discharge, or retirement to the right-to-know law. (Malcolm, Rock 22; G. Katsakiores, Rock 13: Judiciary and Family Law)

**HB 625-FN**, establishing heightened criminal penalties for threatening or assaulting a teacher. (Batula, Hills 18; Gagnon, Hills 48; Y. Coulombe, Coos 7; Roberge, Dist 9; Rubens, Dist 5; Johnson, Dist 3: Education)

**HB 626**, requiring an inexperienced driver and a person 16-17 years of age to obtain a special learner's permit and examination permit prior to obtaining a driver's license. (Belvin, Hills 14; Pilliod, Belk 3; N. Reardon, Rock 15: Transportation)

**HB 627-FN**, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources. (Mock, Carr 3; Schotanus, Sull 3; Simmons, Rock 25; M. Fuller Clark, Rock 36; Packard, Rock 29; J. Bradley, Carr 8; Russman, Dist 19; Gordon, Dist 2; Larsen, Dist 15; Cohen, Dist 24: Transportation)

**HB 628**, relative to leasing Mount Sunapee and Cannon Mountain ski areas based on the prototype lease developed pursuant to prior legislation. (E. Smith, Ches 6; Boutin, Hills 37; G. Chandler, Carr 1; W. Williams, Graf 3; Johnson, Dist 3; Rubens, Dist 5: Resources, Recreation and Development)

**HB 629-FN**, establishing a pilot program for the recording of committee proceedings of the general court. (Copenhaver, Graf 10: Legislative Administration)

**HB 630-FN-L**, providing an additional service retirement option for group I teacher members of the retirement system. (C. Jean, Hills 32; J. Clemons, Hills 31; Franks, Hills 26: Executive Departments and Administration)

The question now being the introduction of House Resolution 16.

Rep. DePecol and Keans spoke against and yielded to questions.

Reps. Buckley and McCann spoke in favor and yielded to questions.

Rep. Jeb Bradley yielded to questions.

Reps. Paul Taylor and Mirski spoke in favor.

On a division vote, 193 members having voted in the affirmative and 159 in the negative, the motion to introduce was adopted.

## INTRODUCTION OF HR

### First, second reading and referral

**HR 16**, urging that impeachment proceedings be instituted against Strafford county probate court judge Gary R. Cassavechia. (Hemon, Straf 11; Cobbin, Graf 11; Taylor, Hills 34; Weber, Graf 11; McCann, Straf 11: Judiciary and Family Law.

## RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 62 and 108 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS

### First, second reading and referral

**SB 62**, authorizing the governing bodies of towns which have not adopted the official ballot referendum form of meeting, but which are in school districts which have adopted the official ballot referendum form of meeting, to move the election day of the 1997 and 1998 annual meetings of those towns to April 8, 1997, and April 14, 1998, respectively. (Municipal and County Government)

**SB 108**, authorizing school boards of multi-town school districts which have adopted the official ballot referendum form of meeting to establish polling places in addition to the districts' central polling places for the 1997 and 1998 annual meetings. (Municipal and County Government).

## RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 5, 1997 at 1:00 p.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 128**, relative to state regulation of participation by foreign banks in the financial markets of New Hampshire.

**HB 142**, relative to false residency forms and automobile insurance.

**HB 105**, allowing an extension of time limits upon a showing of good cause for holding an adjudicatory hearing in certain delinquency cases.

**HB 163**, repealing the law which requires the commissioner of health and human services to deny the application or renewal of the license of an emergency medical technician convicted of driving while intoxicated.

**HB 165**, establishing a committee to study withdrawal from cooperative school districts.

**HB 172**, extending the reporting date for the committee studying the issue of the use and disposal of sludge or septage.

**HB 188-FN**, relative to the authority of the boxing and wrestling commission.

**HB 114**, requiring members of conservation commissions to be residents of the city or town which they represent.

**HB 160-L**, authorizing the governing body of the town of Raymond to order an assessor's plat to clarify property ownership.

**HB 193**, to amend the procedures for the election of officers in the Lebanon school district.

**HB 199-FN**, to include highways designated as part of the National Highway System within the definition of "federal aid primary system" for purposes of the control of outdoor advertising.

**HB 129**, relative to the definition of emergency services for health care insurance purposes.

**HB 161**, relative to pecuniary benefit transactions by charitable trusts.

**HB 224-FN-L**, delaying the start date for the auto emissions inspection program.

**HB 150-FN**, relative to the unlawful alteration of temporary motor vehicle registration plates.

**SB 107**, giving the deputy legislative budget assistant the authority to perform the duties of the legislative budget assistant under certain circumstances.

**HB 217**, relative to outdoor advertising hearings in the department of transportation.

**RECESS MOTION**

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill reports and enrolled bill amendments only.

Adopted.

The House recessed at 4:25 p.m.

**RECESS**

(Rep. John McCarthy in the Chair)

**RESOLUTION**

Rep. Keans offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 631 through 750, Constitutional Amendment Concurrent Resolution numbered 22, House Concurrent Resolution numbered 12, House Joint Resolutions numbered 4 through 6 and House Resolution numbered 17, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS, CACR, HCR, HJRS and HR****First, second reading and referral**

**HB 631-FN**, authorizing the department of safety to issue special amateur radio operator plates and related fees. (Rosen, Belk 7; Adler, Sull 5; MacDonald, Carr 7; McRae, Hills 7; A. Pelletier, Straf 12; Johnson, Dist 3: Transportation)

**HB 632-L**, relative to changing the membership of the water well board and relative to board procedures in refusing, suspending, or revoking licenses. (Emerton, Hills 7; Dickinson, Carr 2: Executive Departments and Administration)

**HB 633**, requiring employers to offer a point-of-service option. (C. Moore, Merr 19; Lindblade, Sull 7; K. Wheeler, Dist 21; Fraser, Dist 4: Labor, Industrial and Rehabilitative Services)

**HB 634-L**, relative to removal from office of certain municipal officials by voters. (David Welch, Rock 18; Weyler, Rock 18; J. Flanders, Rock 18: Election Law)

**HB 635**, relative to a limitation on liability for emergency medical care providers. (McGough, Hills 18; Burling, Sull 1: Judiciary and Family Law)

**HB 636-L**, relative to municipal authority to grant tax abatements for the purpose of facilitating the transfer of contaminated property acquired by a municipality through tax deed to a buyer participating in the brownfields program. (Melcher, Hills 11; Aranda, Rock 13; Musler, Straf 6: Local and Regulated Revenues)

**HB 637-FN**, relative to license suspension and revocation. (Hess, Merr 11: Transportation)

**HB 638-FN**, requiring random on-site inspection and testing of certain sludge and biosolid samples. (Owen, Merr 6; Cohen, Dist 24; Pignatelli, Dist 13: Environment and Agriculture)

**HB 639**, relative to the term of office of any person appointed by the governor and council between a general election and the expiration of the term of a governor who was not reelected. (Below, Graf 13; A. Merrill, Straf 8; Vachon, Straf 4; Cohen, Dist 24; Pignatelli, Dist 13: Executive Departments and Administration)

**HB 640**, establishing a committee to examine the feasibility of establishing a state of the art meteorological center at the former Pease Air Force Base. (Varrell, Rock 9; J. McCarthy, Rock 24; MacGillivray, Hills 21; Cobbin, Graf 11: Commerce)

**HB 641**, relative to property tax bills for land parcels having multiple owners. (L. Foster, Hills 10: Municipal and County Government)

**HB 642**, requiring that all property taxes be paid prior to approval of a subdivision plat. (L. Foster, Hills 10: Municipal and County Government)

**HB 643-FN**, establishing an industry average performance system for air pollution control, and establishing certain pollution control funds. (MacGillivray, Hills 21; J. Bradley, Carr 8; A. Merrill, Straf 8; Aranda, Rock 13; Below, Graf 13: Science, Technology and Energy)

**HB 644-FN-A**, changing the rate of taxation for certain fuels subject to the road toll. (MacGillivray, Hills 21; Kaen, Straf 7; Below, Graf 13; J. Bradley, Carr 8: Public Works and Highways)

**HB 645-FN**, requiring the commissioner of health and human services to produce certain quarterly reports. (Allen, Hills 1: Finance)

**HB 646-FN-A**, relative to eligibility for child day care services for persons receiving public assistance and making an appropriation therefor. (Wallner, Merr 24; J. Brown, Straf 17; Micklon, Rock 26; Frechette, Rock 33; J. Bradley, Carr 8; Blaisdell, Dist 10; Larsen, Dist 15: Health, Human Services and Elderly Affairs)

**HB 647-FN-A-L**, relative to a centralized computer checklist of voters and making an appropriation therefor. (M. Fuller Clark, Rock 36: Election Law)

**HB 648-L**, relative to a local option fee for local or regional transportation infrastructure improvements. (M. Fuller Clark, Rock 36; Burnham, Ches 8; K. Wheeler, Dist 21: Local and Regulated Revenues)

**HB 649-FN**, relative to reckless driving. (Nowe, Rock 3: Transportation)

**HB 650**, relative to limited liability companies. (Mercer, Hills 27; Gordon, Dist 2: Commerce)

**HB 651-FN-L**, relative to electric rate reduction financing. (Below, Graf 13; J. Bradley, Carr 8; MacGillivray, Hills 21; Hollingworth, Dist 23: Science, Technology and Energy)

**HB 652**, establishing a committee to study certification of police and fire dispatchers. (Pepino, Hills 40; Buckley, Hills 44: Criminal Justice and Public Safety)

**HB 653-L**, relative to address numbers on streets and highways and relative to penalties for violations of certain planning and zoning laws. (LaRose, Hills 27; J. Foster, Hills 33; Lefebvre, Hills 31: Municipal and County Government)

**HB 654**, expanding the weight and length law exemptions to include vehicles used by cities and towns for trash removal. (G. Katsakiores, Rock 13; P. Katsakiores, Rock. 13; Fesh, Rock 13: Transportation)

**HB 655-FN**, requiring the department of agriculture, markets, and food to maintain records concerning commercial transactions of the bovine somatotropin growth hormone. (Aranda, Rock 13; McKinney, Rock 29; Trelfa, Graf 2; Owen, Merr 6: Commerce)

**HB 656-L**, repealing the provision which requires the state board to approve schools before a district is qualified to receive state aid to education. (D. Lawton, Belk 1; Thomas, Belk 3; M. Whalley, Merr 5; Johnson, Dist 3; Patenaude, Dist 7: Education)

**HB 657-FN**, eliminating the Pease development authority and transferring its duties and authority to a new Pease international tradeport division. (Dolan, Rock 12; Weyler, Rock 18; Dodge, Rock 4; Rubin, Rock 25: Commerce)

**HB 658-FN-A**, ensuring that the division of safety services, department of safety receives its ½ share of unrefunded tolls for boat motor fuels as required by law, and establishing a special fund therefor. (Dickinson, Carr 2; M. Whalley, Merr 5; Schotanus, Sull 3; Lovett, Graf 6; Gordon, Dist 2; Johnson, Dist 3: Finance)

**HB 659**, modifying restrictions on televised political advertising. (Teschner, Graf 5; Fields, Hills 18; Malcolm, Rock 22; Hinman, Graf 7; P. Krueger, Merr 7; Rubens, Dist 5; Russman, Dist 19: Election Law)

**HB 660**, adding the name of Martin Luther King, Jr. to Civil Rights Day. (Pantelakos, Rock 30; C. Brown, Graf 14; L. Johnson, Hills 40; Weatherspoon, Rock 20; A. Torr, Straf 12; Larsen, Dist 15; Cohen, Dist 24; Pignatelli, Dist 13; Hollingworth, Dist 23: Executive Departments and Administration)

**HB 661-FN-L**, allowing high school pupils to attend the public secondary school of their choice. (Arndt, Rock 27; F. Riley, Hills 44; G. Katsakiores, Rock 13; Feng, Hills 23; Noyes, Rock 26: Education)

**HB 662**, revising the laws relative to the use of dealer plate. (Bartlett, Belk 6; Laflam, Belk 2; R. Foster, Carr 10; Whittemore, Merr 13; Teschner, Graf 5; Blaisdell, Dist 10; Larsen, Dist 15; Johnson, Dist 3; Fraser, Dist 4: Transportation)

**HB 663-FN-L**, imposing a \$100 per year surtax on occupiers of rental property and condominium units to fund state aid to education and prohibiting future increases in individual residential property taxes to meet educational costs. (L. Pratt, Coos 4: Local and Regulated Revenues)

**HB 664-FN-L**, increasing the witness fee for law enforcement officers and the mileage allowance for witnesses. (Dolan, Rock 12; Dodge, Rock 4: Finance)

**HB 665-FN**, establishing the crime of felony murder. (Simmons, Rock 25; Woods, Rock 25; Pepino, Hills 40; Feng, Hills 23; Barnes, Dist 17: Criminal Justice and Public Safety)

**HB 666-FN-L**, relative to binding interest arbitration for law enforcement and firefighter contracts. (Gibbons, Rock 13: Labor, Industrial and Rehabilitative Services)

**HB 667**, relative to confidentiality issues concerning the exchange of information between the departments of revenue administration and employment security and relative to payment of employer contributions. (Turner, Belk 7; Danais, Dist 20: Labor, Industrial and Rehabilitative Services)

**HB 668-FN-L**, licensing, regulating, and taxing video gambling machine use. (C. Brown, Graf 14: Local and Regulated Revenues)

**HB 669-FN**, enhancing penalties for violations of laws regulating underground storage facilities. (Dickinson, Carr 2; Royce, Ches 9; M. Whalley, Merr 5: Criminal Justice and Public Safety)

**HB 670-FN**, relative to telemarketing registration and fraud prevention. (Hunt, Ches 10; Herman, Hills 13: Commerce)

**HB 671-A**, establishing a committee to study the organization, structure, and administration of the department of fish and game, and making an appropriation therefor. (Pfaff, Merr 11; F. Torr, Straf 12; G. Chandler, Carr 1; MacNeil, Graf 7; Whittemore, Merr 13; Cohen, Dist 24; F. King, Dist 1; Patenaude, Dist 7: Wildlife and Marine Resources)

**HB 672-FN-L**, relative to lowering the allowable alcohol concentration for persons under 21 operating OHRVs. (Christie, Rock 22; Dodge, Rock 4; Dolan, Rock 12; Knowles, Straf 11; Hollingworth, Dist 23; Podles, Dist 16: Criminal Justice and Public Safety)

**HB 673-FN**, establishing a penalty for committing certain offenses while aboard an aircraft which lands in this state and relative to the jurisdiction of law enforcement officers and the courts over persons committing offenses in an aircraft landing in this state. (J. Flanders, Rock 18; David Welch, Rock 18; Musler, Straf 6: Criminal Justice and Public Safety)

**HB 674-FN-L**, relative to dam registration and filing fees. (Dickinson, Carr 2; Royce, Ches 9; Laflam, Belk 2; Merritt, Straf 8: Finance)

**HB 675-FN**, relative to bass fishing tournaments. (Lovett, Graf 6; Johnson, Dist 3: Wildlife and Marine Resources)

**HB 676-FN-L**, establishing procedures for the distribution of proceeds from the sale of tax-deeded property by a municipality. (L. Foster, Hills 10; M. Fuller Clark, Rock 36: Municipal and County Government)

**HB 677-FN**, increasing the wetlands excavating and dredging permit fee for major and minor projects. (Dickinson, Carr 2; Lovett, Graf 6; Merritt, Straf 8; Patenaude, Dist 7; Russman, Dist 19: Resources, Recreation and Development)

**HB 678**, relative to the expansion of veterans' home services. (David Welch, Rock 18; Drabinowicz, Hills 36; Vaughn, Rock 35; Mock, Carr 3; Fraser, Dist 4; Hollingworth, Dist 23; Gordon, Dist 2: State-Federal Relations and Veterans Affairs)

**HB 679-FN-L**, repealing the limitation on zoning ordinance protest petitions. (Camm, Rock 17: Municipal and County Government)

**HB 680-FN**, relative to criminal liability for harm caused by dangerous domestic animals or captive wildlife. (Felch, Rock 21: Criminal Justice and Public Safety)

**HB 681**, relative to penalties for certain violations of fish and game laws and granting rulemaking authority to the executive director relative to registration agent fees for wild turkey permits. (Felch, Rock 21: Wildlife and Marine Resources)

**HB 682-FN-L**, requiring law enforcement agencies to notify certain community organizations when a sexual offender moves into the community. (Christie, Rock 22: Criminal Justice and Public Safety)

**HB 683-FN**, relative to one-day fishing licenses for residents and nonresidents. (Boriso, Belk 1; D. Lawton, Belk 1: Wildlife and Marine Resources)

**HB 684-FN**, relative to drivers who purposely neglect to stop when under pursuit by a law enforcement officer. (Kenney, Carr 6: Criminal Justice and Public Safety)

**HB 685-FN**, relative to the assault of a law enforcement officer acting in the line of duty. (Kenney, Carr 6: Criminal Justice and Public Safety)

**HB 686-FN-A**, relative to financing child day care facilities and making an appropriation therefor. (Emerton, Hills 7; Wallner, Merr 24; Estabrook, Straf 8; J. King, Dist 18: Health, Human Services and Elderly Affairs)

**HB 687**, establishing an Alan B. Shepard park commission. (G. Katsakiores, Rock 13; Langone, Rock 13; Dowd, Rock 13; P. Katsakiores, Rock 13; Gleason, Rock 13; Sabella, Rock 13; Letourneau, Rock 13; Fesh, Rock 13; Aranda, Rock 13; Russman, Dist 19: Resources, Recreation and Development)

- HB 688-FN-A**, establishing a committee to study all investigations of the late John C. Fairbanks, authorizing staff for the committee, and making an appropriation therefor. (Cobbin, Graf 11; Varrell, Rock 9: Judiciary and Family Law)
- HB 689-FN**, relative to a certain portion of registration fees of a nonprofit corporation. (Weyler, Rock 18; Asselin, Hills 47; Leber, Merr 1, Dwyer, Hills 43; Milligan, Hills 18; Noyes, Rock 26: Finance)
- HB 690**, establishing a long-term care institute. (Kurk, Hills 5; Amidon, Hills 9; Sargent, Hills 3; Barnes, Dist 17; J. King, Dist 18: Health, Human Services and Elderly Affairs)
- HB 691**, requiring large employers to offer their employees long-term care insurance. (Kurk, Hills 5; Amidon, Hills 9; Sargent, Hills 3; Barnes, Dist 17; J. King, Dist 18: Commerce)
- HB 692**, relative to the use of certain court, case, and police records of delinquent children in sentencing for conviction of certain crimes as adults. (Hess, Merr 11: Criminal Justice and Public Safety)
- HB 693**, establishing a house committee to examine water quality issues. (Martin, Hills 34; P. Bradley, Coos 6; Merritt, Straf 8; Russman, Dist 19; Johnson, Dist 3: Resources, Recreation and Development)
- HB 694**, allowing law enforcement officers to make a video recording of certain communications without notification. (Manning, Ches 9: Criminal Justice and Public Safety)
- HB 695**, establishing a committee to study the educational requirements of student drivers. (Gleason, Rock 13; Christie, Rock 22; P. Katsakiores, Rock 13; Pilliod, Belk 3; Cloutier, Sull 8; Major, Rock 16; Gibbons, Rock 13; Russman, Dist 19; J. King, Dist 18; Podles, Dist 16; Hollingworth, Dist 23; Gordon, Dist 2: Transportation)
- HB 696-FN-L**, authorizing the court to suspend the motor vehicle driver's license of a person convicted of criminal mischief when such conviction was the result of an act facilitated by the use of an automobile. (Hansen, Hills 2; Dolan, Rock 12; Chase, Graf 6: Criminal Justice and Public Safety)
- HB 697-FN-A-L**, establishing a homeless prevention fund, to be funded by a temporary homeless prevention state property tax, and making appropriations to the fund for fiscal years 1998 and 1999. (Allen, Hills 1: Health, Human Services and Elderly Affairs)
- HB 698**, relative to the oil discharge and disposal cleanup fund, the fuel oil discharge cleanup fund, and the motor oil discharge cleanup fund. (Holbrook, Belk 7: Resources, Recreation and Development)
- HB 699-FN**, relative to holiday pay for part-time state employees. (C. Brown, Graf 14: Executive Departments and Administration)
- HB 700-FN-L**, relative to the renovation of regional vocational education centers. (LaRose, Hills 27; Champagne, Ches 19; Cloutier, Sull 8; Squires, Dist 12; Pignatelli, Dist 13; Blaisdell, Dist 10: Education)
- HB 701-L**, granting a municipality alternatives to accepting a tax deed to the property when the property owner is tax delinquent. (Hager, Merr 18: Municipal and County Government)
- HB 702-FN-L**, establishing procedures governing municipal acquisition of public utility property. (Klemm, Rock 28: Science, Technology and Energy)
- HB 703-FN-L**, relative to criminal history checks for school personnel. (A. Pelletier, Straf 12: Education)
- HB 704**, relative to provisional licenses for manufacturers of beverages and requiring approval of the source of water used to manufacture beverages. (Coes, Rock 19; Burnham, Ches 8; Russman, Dist 19: Health, Human Services and Elderly Affairs)
- HB 705**, relative to the confidentiality of the records of the department of revenue administration. (Dickinson, Carr 2; B. Gage, Rock 26; Hunt, Ches 10; F. King, Dist 1: Finance)
- HB 706**, establishing a commission on animal damage control to review the fish and game laws relating to damage by game birds and game. (L'Heureux, Hills 18; Melcher, Hills 11: Wildlife and Marine Resources)
- HB 707-L**, relative to municipal taxation of utility property. (Below, Graf 13; Rep. J. Bradley, Carr 8; MacGillivray, Hills 21; F. King, Dist 1; Whipple, Dist 8; McCarley, Dist 6: Science, Technology and Energy)
- HB 708**, extending the reporting date for the committee studying the issues surrounding the definition of "facility" for the purposes of eligibility for certain property tax exemptions. (M. Whalley, Merr 5: Municipal and County Government)

- HB 709**, establishing a committee to study the possibility of imposing property taxes on property used by nonprofit academic institutions primarily for housing. (Salatiello, Belk 2: Local and Regulated Revenues)
- HB 710-FN**, requiring boating safety education. (J. Foster, Hills 33; Hilliard, Straf 14; Cohen, Dist 24: Resources, Recreation and Development)
- HB 711**, relative to post-termination commissions. (Klemm, Rock 28: Judiciary and Family Law)
- HB 712**, relative to the purchase, preservation, and reactivation of abandoned railroad rights-of-way and limiting railroad liability for passenger rail service. (G. Katsakiores, Rock 13; Connolly, Graf 1; Whittemore, Merr 13; Ackerman, Hills 30; Russman, Dist 19; F. King, Dist 1: Transportation)
- HB 713**, establishing a penalty for failure to file certain financial statements and quarterly reports, relative to the names of foreign limited partnerships, and replacing an annual notice requirement for limited liability partnerships with an annual fee. (Flanagan, Rock 14: Commerce)
- HB 714**, repealing certain duties of the secretary of state relative to the state treasurer's insurance bond and accounts of bonds issued by the state treasurer. (Flanagan, Rock 14: Finance)
- HB 715-L**, placing time limits on covenants that have been placed on deeds by developers. (Bickford, Straf 1: Municipal and County Government)
- HB 716-FN**, relative to economic development and retention rates and special contracts. (Below, Graf 13; MacGillivray, Hills 21; J. Bradley, Carr 8: Science, Technology and Energy)
- HB 717-FN-A**, relative to the taxation of venture capital firms under the business profits tax. (Belvin, Hills 14: Finance)
- HB 718**, changing that which constitutes the practice of medicine. (A. Torr, Straf 12; M. Fuller Clark, Rock 36; Hollingworth, Dist 23; Patenaude, Dist 7: Health, Human Services and Elderly Affairs)
- HB 719-FN-A**, increasing the number of state troopers and making an appropriation therefor. (McGovern, Rock 35; DePecol, Ches 14; J. Kelley, Rock 22: Finance)
- HB 720-FN**, relative to evening hours for sessions and hearings of the New Hampshire house of representatives. (M. Kelly, Hills 45; Buckley, Hills 44; Vaillancourt, Hills 44: Legislative Administration)
- HB 721**, prohibiting certain tobacco or alcohol advertising within drug-free school zones. (Below, Graf 13; A. Pelletier, Straf 12; Leber, Merr 1; Holt, Hills 35; Gordon, Dist 2: Commerce)
- HB 722-FN**, opting the state out of a provision of federal law relating to benefits for persons convicted of drug-related offenses. (Manning, Ches 9; Ferguson, Hills 13; Wallner, Merr 24; Amidon, Hills 9: Health, Human Services and Elderly Affairs)
- HB 723-FN-A**, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover adults. (R. Foster, Carr 10; Amidon, Hills 9; French, Merr 3: Health, Human Services and Elderly Affairs)
- HB 724-FN**, allowing the office of reimbursements in the department of health and human services to set rates for the multiple DWI offender intervention detention center program. (Christie, Rock 22: Criminal Justice and Public Safety)
- HB 725-FN**, relative to the certification of dietitians. (Pfaff, Merr 11; P. Katsakiores, Rock 13: Executive Departments and Administration)
- HB 726-FN**, relative to the jurisdiction and authority of the public utilities commission, and relative to the underground utility damage prevention system. (J. Bradley, Carr 8; MacGillivray, Hills 21; Johnson, Dist 3; Hollingworth, Dist 23: Science, Technology and Energy)
- HB 727-FN**, relative to rate-setting for certain services, placements, and programs for children by the department of health and human services. (J. Brown, Straf 17; Keans, Straf 16; Cohen, Dist 24; K. Wheeler, Dist 21: Judiciary and Family Law)
- HB 728-FN-A**, relative to designating a portion of the meals and rooms tax revenue for the promotion and development of tourism. (Avery, Ches 8; M. Fuller Clark, Rock 36: Finance)
- HB 729-FN-A**, establishing a kindergarten special number plate and fee, with the fees continually appropriated to the department of education. (Asselin, Hills 47; Guest, Graf 10; Burling, Sull 1; J. King, Dist 18; Larsen, Dist 15: Transportation)
- HB 730-FN**, relative to penalties for sexual misconduct by mental health counselors. (Buckley, Hills 44: Criminal Justice and Public Safety)
- HB 731-FN-A-L**, relative to the taxation of sand, gravel, loam, and other similar substances. (Wheeler, Hills 7; G. Chandler, Carr 1; K. Rogers, Merr 22; Blaisdell, Dist 10; Johnson, Dist 3; Fraser, Dist 4: Environment and Agriculture)

**HB 732-FN**, making revisions relative to parental reimbursement for children's services to the department of health and human services. (Allen, Hills 1: Finance)

**HB 733-FN**, relative to the state government information dissemination and access act. (M. Fuller Clark, Rock 36: Executive Departments and Administration)

**HB 734-FN**, requiring district courts to hold evening sessions. (Wall, Straf 9; Keans, Straf 16; Dolan, Rock 12; Letendre, Hills 15; Richardson, Ches 12: Judiciary and Family Law)

**HB 735-FN**, adding certain conduct to that which constitutes aggravated felonious sexual assault and felonious sexual assault. (Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 736-FN**, increasing jurors' fees. (MacGillivray, Hills 21: Judiciary and Family Law)

**HB 737-FN-L**, relative to redefining earnable compensation for the purpose of determining retirement system benefits. (Kurk, Hills 5; Merritt, Straf 8: Executive Departments and Administration)

**HB 738-FN-A-L**, relative to the distribution of revenue from the meals and rooms tax. (Dickinson, Carr 2; Cooper, Carr 2: Finance)

**HB 739-FN**, relative to copies of vital records. (Dickinson, Carr 2: Health, Human Services and Elderly Affairs)

**HB 740-FN-L**, requiring the state to pay a witness fee and mileage payment for a local law enforcement officer called as a witness for a division of motor vehicles administrative hearing, to be funded by an increase in the motor vehicle uniform fine schedule. (Downing, Rock 26: Transportation)

**HB 741-FN-A**, relative to access to state telephone numbers. (Guay, Coos 6: Executive Departments and Administration)

**HB 742-FN**, establishing half-price greens fees for active military and retired military personnel at the golf course at the former Pease Air Force Base. (Varrell, Rock 9; Nowe, Rock 3: Commerce)

**HB 743-FN-L**, relative to the municipal option to impose additional fees for motor vehicle registration permits to fund public parking facilities. (D'Allesandro, Hills 46: Municipal and County Government)

**HB 744-FN**, relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval, and relative to the legal status of local river management advisory committees. (Dickinson, Carr 2: Resources, Recreation and Development)

**HB 745-FN**, relative to the compensation of the members of the workers' compensation appeals board. (C. Brown, Graf 14; Blaisdell, Dist 10: Executive Departments and Administration)

**HB 746-FN**, relative to fees collected by the insurance department. (C. Brown, Graf 14; Blaisdell, Dist 10: Finance)

**HB 747-FN-A**, establishing a fund for the acquisition or care of land or easements for wildlife habitats, continually appropriating the fund, and requiring an additional fee for each hunting or fishing license to be credited to the fund. (Abbott, Rock 19; McGuirk, Ches 1; Blaisdell, Dist 10: Wildlife and Marine Resources)

**HB 748-FN**, clarifying the school building aid law relative to kindergarten programs. (Franks, Hills 26; Searles, Hills 23; Durham, Hills 22: Education)

**HB 749-FN**, requiring group I retirement system members to be incapacitated for any gainful employment before receiving accidental disability retirement benefits. (Steere, Ches 11: Executive Departments and Administration)

**HB 750-FN-L**, relative to municipal water systems. (Feng, Hills 23; Christiansen, Hills 23; F. Riley, Hills 44; D. White, Hills 25; Clegg, Hills 23: Science, Technology and Energy)

**CACR 22**, relating to changing the minimum age requirement for state senator from 30 to 25. Providing that persons at least 25 years of age shall be eligible to be elected to the state senate. (Hilliard, Straf 14; Simmons, Rock 25; Rollo, Straf 10; K. Clemons, Hills 29; Cushing, Rock 22; Cohen, Dist 24: Election Law)

**HCR 12**, urging ratification of the Convention for the Elimination of All Forms of Discrimination Against Women. (M. Fuller Clark, Rock 36; Weatherspoon, Rock 20; Hart, Hills 37; Lockwood, Merr 9; Norelli, Rock 31; Squires, Dist 12; Gordon, Dist 2; K. Wheeler, Dist 21: State-Federal Relations and Veterans Affairs)

**HJR 4**, urging the United States Congress and the Federal Energy Regulatory Commission to cooperate with state plans to restructure the electric utility industry. (MacGillivray, Hills 21; J. Bradley, Carr 8; Below, Graf 13: State-Federal Relations and Veterans Affairs)

**HJR 5**, urging the United States Congress and the United States Environmental Protection Agency to make certain changes in the Clean Air Act which would result in more cost effective air pollutant emission reductions. (MacGillivray, Hills 21; Kaen, Straf 7; J. Bradley, Carr 8; Below, Graf 13; Russman, Dist 19: State-Federal Relations and Veterans Affairs)

**HJR 6**, requiring the joint legislative historical committee to acquire and cause to be displayed a portrait of suffragist Marilla Marks Ricker. (Cushing, Rock 22; A. Merrill, Straf 8; Keans, Straf 16; Weatherspoon, Rock 20; A. Torr, Straf 12; Hollingworth, Dist 23; McCarley, Dist 6; K. Wheeler, Dist 21; Pignatelli, Dist 13; Larsen, Dist 15: Legislative Administration)

**HR 17**, relative to certain historical theaters in New Hampshire. (Leonard, Hills 39: Resources, Recreation and Development)

## RECESS

(Rep. Pfaff in the Chair)

## RESOLUTION

Rep. Phyllis Katsakiores offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 751 through 796, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

**HB 751-FN-L**, relative to spousal benefits for certain retired group II members of the retirement system. (Christie, Rock 22: Executive Departments and Administration)

**HB 752-FN**, relative to the commission of robbery or burglary while armed with a deadly weapon, culpability for capital murder, and the potential death sentence for first degree murder. (Feng, Hills 23; Fenton, Hills 24; Howard, Carr 10; D. White, Hills 25; Clegg, Hills 23: Criminal Justice and Public Safety)

**HB 753-FN**, relative to the board of auctioneers and the conduct of auctions. (Beaulieu, Rock 10; Dodge, Rock 4: Executive Departments and Administration)

**HB 754-FN**, relative to special gas and electric rates for customers dependent on life-support equipment. (L. Jean, Hills 17; D. White, Hills 25; Gordon, Dist 2; J. King, Dist 18: Science, Technology and Energy)

**HB 755-FN**, increasing certain OHRV registration fees and requiring the department of fish and game to file an annual report to the legislature. (M. Whalley, Merr 5; R. Johnson, Rock 1; Schotanus, Sull 3; G. Merrill, Coos 1; Gordon, Dist 2; F. King, Dist 1; Patenaude, Dist 7; Podles, Dist 16: Transportation)

**HB 756-FN**, relative to the registration of alternative providers of mental health services. (Dyer, Hills 8; Emerton, Hills 7: Executive Departments and Administration)

**HB 757-FN**, relative to the applicability of the legacies and successions tax. (Lovett, Graf 6; McGuirk, Ches 1: Finance)

**HB 758-FN**, raising the speed limit on all New Hampshire interstate highways from 65 to 75 miles per hour and from 55 to 65 in other locations. (Vaillancourt, Hills 44; M. Kelly, Hills 45: Transportation)

**HB 759-FN-A-L**, funding the developmental disabilities waitlist from the health care transition fund and making an appropriation therefor. (Dwyer, Hills 43; M. Fuller Clark, Rock 36; J. King, Dist 18; Blaisdell, Dist 10: Health, Human Services and Elderly Affairs)

**HB 760-FN**, relative to OHRVs and OHRV registration fees. (Packard, Rock 29; Letourneau, Rock 13: Transportation)

**HB 761-FN-A**, establishing a credit against the business profits tax for businesses that provide qualified internship or apprenticeship programs. (Spear, Straf 5; Trelfa, Graf 2; Ferguson, Hills 13; Keans, Straf 16; K. Wheeler, Dist 21: Finance)

**HB 762-FN**, relative to the regulation of naturopathic medicine. (Emerton, Hills 7: Executive Departments and Administration)

- HB 763-FN**, prohibiting nonresidents from hunting on Sunday if the state of residence of the nonresident prohibits hunting on Sunday for New Hampshire residents. (Felch, Rock 21: Wildlife and Marine Resources)
- HB 764-FN-L**, relative to a person subject to a domestic violence petition applying to purchase a handgun. (Pepino, Hills 40; Knowles, Straf 11: Criminal Justice and Public Safety)
- HB 765-FN**, establishing an osteoporosis prevention, education, and treatment program. (French, Merr 3; Ziegra, Belk 5; Copenhaver, Graf 10; McGovern, Rock 35; Metzger, Ches 13; Larsen, Dist 15; Gordon, Dist 2; K. Wheeler, Dist 21; Cohen, Dist 24: Health, Human Services and Elderly Affairs)
- HB 766-FN**, forbidding the acceptance of anything of value by state officials, appointed officials, and legislative employees. (K. Rogers, Merr 22: Election Law)
- HB 767-FN**, relative to violation of court orders regarding child custody. (K. Rogers, Merr 22: Criminal Justice and Public Safety)
- HB 768-FN**, relative to certain abortions. (K. Smith, Rock. 29: Judiciary and Family Law)
- HB 769-FN**, relative to unemployment compensation. (Turner, Belk 7; Danais, Dist 20: Labor, Industrial and Rehabilitative Services)
- HB 770-FN**, relative to blood testing in the instance of motor vehicle fatalities and other instances. (Musler, Straf 6: Criminal Justice and Public Safety)
- HB 771-FN-L**, exempting remediation waste from the hazardous waste generator fee, increasing grant awards made pursuant to the used oil collection center program and relative to the hazardous waste disposal facility siting board. (Musler, Straf 6: Environment and Agriculture)
- HB 772-FN-A**, establishing the position of industrial, commercial, and tourism agent for Coos county and making an appropriation therefor. (Guay, Coos 6: Commerce)
- HB 773-FN**, relative to intentional interference with child custody and visitation. (J. McCarthy, Rock 24: Judiciary and Family Law)
- HB 774-FN**, relative to child support, custodial rights, and visitation. (J. McCarthy, Rock 24: Judiciary and Family Law)
- HB 775-FN-A**, relative to the regulation of ophthalmic dispensing and making an appropriation therefor. (P. Taylor, Hills 34; Sargent, Hills 3; Asselin, Hills 47; Dodge, Rock 4; Copenhaver, Graf 10; Hollingworth, Dist 23; J. King, Dist 18; Gordon, Dist 2: Executive Departments and Administration)
- HB 776-FN**, prohibiting any person under 18 years of age from sitting in a cocktail lounge. (J. Bradley, Carr 8: Local and Regulated Revenues)
- HB 777-FN**, prohibiting a fish and game officer who makes an arrest for a fish and game violation from also being the prosecuting officer. (Dickinson, Carr 2; Cohen, Dist 24: Criminal Justice and Public Safety)
- HB 778-A**, relative to erosion prevention on a certain portion of the Connecticut River and making an appropriation therefor. (J. Pratt, Ches 2; McGuirk, Ches 1; Bonneau, Ches 2; Metzger, Ches 13; Lindblade, Sull 7; Whipple, Dist 8; Blaisdell, Dist 10: Public Works and Highways)
- HB 779-FN**, proclaiming 1999 as the "year of public education" in New Hampshire and establishing the 350<sup>th</sup> anniversary of public education celebration commission. (Cushing, Rock 22; J. Kelley, Rock 22; Malcolm, Rock 22; Hollingworth, Dist 23; Larsen, Dist 15: Education)
- HB 780-FN**, establishing a cattle trailer license plate for agricultural use. (Babson, Carr 5: Transportation)
- HB 781-FN**, relative to lucky 7 tickets and bingo games and requiring manufacturers and distributors of bingo supplies to be licensed. (R. Kelley, Hills 18; Danais, Dist 20: Local and Regulated Revenues)
- HB 782**, exempting the lists of recipients of official absentee ballots from certain public inspection access requirements. (Langley, Rock 24: Election Law)
- HB 783-FN-A-L**, relative to funding vocational student organizations and making an appropriation therefor. (Searles, Hills 23; J. Bradley, Carr 8; F. Torr, Straf 12: Education)
- HB 784-FN-L**, changing the age requirements for providing public education, including special education. (Kurk, Hills 5; Melcher, Hills 11: Education)
- HB 785-FN**, relative to alcohol and other drug abuse professionals. (Dyer, Hills 8; Emerton, Hills 7; J. King, Dist 18: Executive Departments and Administration)
- HB 786-FN**, relative to election filing fees and primary petitions. (Laflam, Belk 2: Election Law)

**HB 787-FN**, requiring the executive council to hold public hearings on judicial appointments. (Teschner, Graf 5; Dube, Rock 16; Arndt, Rock 27; Adams, Merr 9; Holden, Hills 14; Gordon, Dist 2; Podles, Dist 16; Pignatelli, Dist 13; Hollingworth, Dist 23: Judiciary and Family Law)

**HB 788-FN**, relative to the computation of penalties and interest in certain tax underpayment situations. (Babson, Carr 5; J. Bradley, Carr 8: Finance)

**HB 789-FN-A**, exempting siblings from the legacies and successions tax in certain situations. (Melcher, Hills 11; Steere, Ches 11; Hunt, Ches 10; Dokmo, Hills 14; McGuirk, Ches 1: Finance)

**HB 790-FN**, relative to the board of medicine. (A. Torr, Straf 12: Executive Departments and Administration)

**HB 791-FN-A**, making an appropriation to the department of administrative services for the funding, siting, and design of the new Jaffrey-Peterborough district courthouse. (Royce, Ches 9; Manning, Ches 9; Hunt, Ches 10; Metzger, Ches 13; D. Wheeler, Dist 11: Public Works and Highways)

**HB 792-FN-L**, prohibiting trusts, annuities, and other legal devises from being used to shelter wealth for the purposes of medicaid eligibility. (Kurk, Hills 5: Health, Human Services and Elderly Affairs)

**HB 793**, limiting the civil liability of persons engaged in equine activities. (J. Bradley, Carr 8; Melcher, Hills 11; McGuirk, Ches 1; Clay, Hills 4; D. Wheeler, Dist 11; Patenaude, Dist 7: Judiciary and Family Law)

**HB 794-FN-L**, requiring employers who require certain employees to be armed to provide body armor to the employees. (Thomas, Belk 3: Labor, Industrial and Rehabilitative Services)

**HB 795-FN**, enhancing the penalties for DWI and driving after revocation and suspension and eliminating certain driver intervention programs. (Arnold, Hills 20: Criminal Justice and Public Safety)

**HB 796-FN**, relative to lobbyist registration. (Cobbin, Graf 11: Legislative Administration)

#### RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 5

Wednesday, February 5, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

We give thanks, O God, that You are alive and at large in the world, helping us to become a people of passion for the common good. Hear our prayers on this day for each of these representatives, and especially for Representative Beverly Gage, for the Speaker of the House, Donna Sytek, and for all the staff members who support and enable their work. May their combined efforts further Your will, so that future generations may look upon the legacy of their labors and call them blessed. Amen.

Rep. John Flanders led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. George Brown, Dwyer, Beverly Gage, Gosselin, Hawkinson, Lefebvre, Lovejoy and Ralph Torr, the day, illness.

Reps. Ameen, Bickford, Boriso, Julie Brown, Cloutier, Thomas Colburn, Connolly, David Cote, Crosby, Dolan, Doucette, Gile, Grassie, Griffin, Heath, Holt, Lamach, Lundborn, Lynch, James McDonald, O'Rourke, Arthur Pelletier, Marsha Pelletier, Veazey and Vincent, the day, important business.

Rep. Allison, the day, illness in the family.

### INTRODUCTION OF GUESTS

Christopher Weber, son of Rep. Weber. Kelley Ordway and Abram Claude, guests of the Merrimack Delegation.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**CACR 3**, relating to authorizing counties to implement an income tax. Providing that a county may implement an income tax, provided that there is a binding referendum of the voters of the county and approval by the legislature, removed by Rep. Robertson.

Consent Calendar adopted.

**HB 130**, clarifying the authority of county commissioners to arrange for work by prisoners. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill allows county commissioners to authorize the superintendent of the county correctional facility to arrange for uncompensated public service by prisoners at municipal or nonprofit owned grounds or property. Current law allows arrangements to be made for work by prisoners only at municipally owned recreational facilities or conservation projects. Vote 17-0.

#### Amendment (0048h)

Amend the bill by replacing section 1 with the following:

1 Uncompensated Public Service by Prisoners. Amend RSA 651:36-a to read as follows:  
651:36-a ~~[Work]~~ *Uncompensated Public Service* by Prisoners. The county commissioners of any county may *authorize the superintendent of the county correctional facility to* make arrangements with officials of a city ~~[or]~~, town, *or nonprofit agency to* ~~[work]~~ *have* prisoners from the county correctional facilities *perform uncompensated public service at* ~~[municipally]~~ *municipal or non-profit* owned ~~[recreational facilities or conservation projects]~~ *grounds or property*. Prisoners ~~[so worked]~~ *sent* from the county correctional facility shall be in the custody of the superintendent of county correctional facilities *or designee*.

## AMENDED ANALYSIS

This bill allows county commissioners to authorize the superintendent of the county correctional facility to arrange for uncompensated public service by prisoners at municipal or nonprofit owned grounds or property. Current law allows arrangements to be made for work by prisoners only at municipally owned recreational facilities or conservation projects.

**HB 152**, relative to permissible fireworks. RE-REFER TO COMMITTEE

Rep. Walter J. Mikowski for Criminal Justice and Public Safety: This bill would exempt the Department of Safety from RSA 541-A, Administrative Rules, relative to fireworks. The reason for the bill was to shorten the time for approval of the current listing of permissible fireworks, submitted by the permissible fireworks review committee, RSA 160-B:23,III. The Department of Safety has committed itself to expediting the existing approval process without providing an exemption through law at this time. The committee decided to re-refer to give the department this opportunity. Vote 17-0.

**HB 146**, relative to gifts by agents under general powers of attorney. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: It was unclear to the committee why this legislation is needed. Currently, many estate attorneys write in provisions for gifting. We fear that the individual situation that was cited as being disallowed may be for reasons other than what came out in testimony. This legislation is not needed. Vote 15-0.

**HB 153**, exempting emergency medical technicians from jury duty. INEXPEDIENT TO LEGISLATE

Rep. Carol H. Holden for Judiciary and Family Law: This bill would exempt emergency medical technicians from jury duty. Testimony before the committee indicated that to do this it would be to further drain the pool of people eligible for jury duty. Vote 15-0.

**HB 122**, relative to the operation of games of chance conducted by charitable organizations. INEXPEDIENT TO LEGISLATE

Rep. Robert N. Kelley for Local and Regulated Revenues: This bill was loosely drawn and the committee felt that an opening was created for the professionalization of games of chance. This flies in the face of our regard for charitable operations of this ilk. No charity appeared in support of this bill - one individual appeared in support. Vote 16-1.

**HB 227**, relative to the North Hampton property taxes. OUGHT TO PASS

Rep. Stephen G. Avery for Local and Regulated Revenues: This is basically a housekeeping bill that legitimizes the adjustments to the North Hampton property tax rate. There was no opposition to this bill. Vote 16-0.

**HB 216**, relative to municipal budgets. OUGHT TO PASS

Rep. Katherine H Metzger for Municipal and County Government: Whenever a governing body or a budget committee fails to make a notation of whether or not to make recommendation on a special warrant article, a problem arises with the Department of Revenue Administration. This bill corrects this problem by providing that defects or deficiencies in these notations shall not affect the legal validity of any appropriations otherwise legally made. Vote 14-0.

**HB 251-FN-L**, reclassifying a portion of North Main Street in the town of Farmington from a class II to a class V highway. OUGHT TO PASS WITH AMENDMENT

Rep. Henry P. Sullivan for Public Works and Highways: This bill was a request of the Department of Transportation and the town of Farmington, to reclassify a portion of North Main Street in Farmington from a class II to a class V highway. The DOT has rebuilt this section of road and the highway will become a class V road, maintained by the town. The amendment adds a section of Passaconaway Road in Albany under the same stipulations as the original bill. Vote 18-0.

**Amendment (0092h)**

Amend the title of the bill by replacing it with the following:

AN ACT reclassifying a portion of North Main Street in the town of Farmington and a portion of Passaconaway Road in the town of Albany.

Amend the bill by inserting after section 1 the following and renumbering the original 2 to read as 3:

2 Classification Changed. Passaconaway Road, in the town of Albany, beginning at the Albany-Conway town line westerly for a distance of 1.24 miles to the existing class V highway shall be classified as a class V highway 60 days after completion of repaving and drainage work to be performed by the department of transportation.

### AMENDED ANALYSIS

This bill reclassifies a portion of North Main Street in the town of Farmington from a class II to a class V highway. The bill also reclassifies a portion of Passaconaway Road in the town of Albany.

**HB 115-FN**, relative to payment from state funds for damage to cultivated blueberries caused by game. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald Nowe for Wildlife and Marine Resources: The Committee felt that the subject matter contained in this bill deserved some comprehensive study which will be incorporated into a pending bill to study the entire subject contained in the game damage statutes. Vote 15-0.

**HB 139**, relative to fishing in a certain portion of the Pemigewasset river. **INEXPEDIENT TO LEGISLATE**

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill attempts to establish special fishing regulations for a portion of the Pemigewasset River. There are presently sufficient rules which adequately control fishing on all bodies of water. This bill could lead to establishing laws which are better dealt with through the rulemaking process. The Committee did not wish to interfere with the rule making process at this time. Vote 15-0.

**HB 159-FN**, granting free hunting and fishing licenses to New Hampshire residents that are members of a federally recognized Indian tribe. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L'Heureux for Wildlife and Marine Resources: Since there was no support for this legislation, the sponsor asked that the bill be voted ITL. Vote 15-0.

### REGULAR CALENDAR

**HB 112**, requiring that all changes in state taxes be passed by a 60 percent majority of each house of the general court. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: This bill as amended could hinder the functioning of the three branches of government. The committee believes that a 50-plus-1 percent majority should remain the margin for the passage of legislation except constitutional amendments. Passage of this bill would empower 41 percent of this legislature with control. A further requirement that no new taxes on real estate be enacted would put government in an insupportable position if a financial crisis required legislative action. Vote 17-5.

Reps. Vaillancourt and Cobbin spoke against.

Reps. Vaughn and Kurk spoke in favor.

Rep. Cobbin requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 318 NAYS 26**

**YEAS 318**

**BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rosen, Ralph  
Ziegler, Alice

Boyce, Robert  
Hurt, George  
Salatiello, Thomas

Clark, Charles  
Lawton, David  
Thomas, John

Golden, Paul  
Rice, Thomas, Jr.  
Turner, Robert

**CARROLL**

Babson, David, Jr.  
Foster, Robert  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kennedy, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

**CHESHIRE**

|                   |                    |                   |                     |
|-------------------|--------------------|-------------------|---------------------|
| Avery, Stephen    | Bonneau, Sarah     | Burnham, Daniel   | Champagne, Richard  |
| DePecol, Benjamin | Hunt, John         | Lynott, Margaret  | Manning, Joseph     |
| McGuirk, Paul     | McNamara, Wanda    | Meador, David     | Metzger, Katherine  |
| O'Connell, John   | Pratt, Irene       | Pratt, John       | Richardson, Barbara |
| Riley, William    | Robertson, Timothy | Royce, H. Charles | Russell, Ronald     |
| Smith, Edwin      | Steere, Myron, III | Vogl, John        |                     |

**COOS**

|                |                 |                   |                  |
|----------------|-----------------|-------------------|------------------|
| Bradley, Paula | Coulombe, Henry | Coulombe, Yvonne  | Davis, Perley    |
| Guay, Lawrence | Horton, Lynn    | Mears, Edgar      | Merrill, Gerald  |
| Moynihn, Wayne | Pratt, Leighton | St. Hilaire, Paul | Tholl, John, Jr. |

**GRAFTON**

|                  |                        |                  |                    |
|------------------|------------------------|------------------|--------------------|
| Akins, Ralph     | Alger, John            | Almy, Susan      | Brown, Channing    |
| Chase, Paul, Jr. | Copenhaver, Marion     | Eaton, Stephanie | Guaraldi, Lawrence |
| Guest, Robert    | Hill, Richard          | Hinman, Harry    | LaMott, Paul       |
| Lovett, Sidney   | Luker, Elsa            | MacNeil, Allen   | Mirski, Paul       |
| Nordgren, Sharon | Phinney, William       | Root, John       | Teschner, Douglass |
| Telfa, Richard   | Williams, William, Jr. |                  |                    |

**HILLSBOROUGH**

|                         |                       |                        |                            |
|-------------------------|-----------------------|------------------------|----------------------------|
| Ackerman, Philip        | Allen, W. Gordon      | Alukonis, David        | Amidon, Eleanor            |
| Arnold, Thomas, Jr.     | Asselin, Robert       | Barry, William, III    | Batula, Peter              |
| Belvin, William         | Bergin, Peter         | Bernier, Shannon       | Boutin, David              |
| Briefs, Geoffrey        | Brundige, Robert      | Calawa, Leon, Jr.      | Cardin, Lori               |
| Carlson, Donald         | Carney, Lauren        | Chabot, Robert         | Christiansen, Lars         |
| Clay, Susan             | Clemons, Jane         | Cote, Peter            | D'Allesandro, Lou          |
| Daigle, Robert          | Dawe, Eileen          | Desrosiers, William    | Dokmo, Cynthia             |
| Drabinowicz, A. Theresa | Durham, Susan         | Emerton, Lawrence, Sr. | Fenton, James              |
| Ferguson, Charles       | Fields, Dennis        | Flora, Kathleen        | Foster, Joseph             |
| Foster, Linda           | Franks, Suzan         | Gage, Ruth             | Gagnon, Eugene             |
| Ginsburg, Ruth          | Golding, William      | Goulet, Maurice        | Haettenschwiller, Alphonse |
| Haley, Robert           | Hall, Betty           | Hansen, Herbert        | Herman, Keith              |
| Holden, Carol           | Holley, Sylvia        | Hunter, Bruce          | Jean, Claudette            |
| Johnson, Lionel         | Kelley, Robert        | Kelly, Michael         | Kurk, Neal                 |
| L'Heureux, Robert       | LaRose, Richard       | Leishman, Peter        | Leonard, Peter             |
| Lessard, Rudy           | Lozeau, Donnalee      | Luebckert, Bernard     | Lynde, Harold              |
| MacAuslan, Rita         | MacGillivray, Jeffrey | MacIntyre, Doris       | Marcinkowski, Michael      |
| McCarthy, William       | McCarty, Winston      | McGough, Tim           | McRae, Karen               |
| Melcher, Harold         | Mercer, Robert        | Messier, Irene         | Milligan, Robert           |
| Mittelman, David        | Morello, Michael      | Murch, George          | Murphy, Robert             |
| O'Hearn, Jane           | Pepino, Leo           | Peterson, Andrew       | Piteri, Dawn               |
| Reidy, Frank            | Sargent, Maxwell      | Searles, Stanley, Sr.  | Sullens, Joan              |
| Taylor, Paul            | Thulander, O. Alan    | Turgeon, Roland        | Vaillancourt, Steve        |
| Welch, Donald           | Wheeler, Robert       | White, Jay             | Williams, Carol            |
| Wright, George          |                       |                        |                            |

**MERRIMACK**

|                    |                   |                    |                   |
|--------------------|-------------------|--------------------|-------------------|
| Adams, Stephen     | Anderson, Eric    | Burney, Carol      | Colburn, Kathleen |
| Crowell, Peter     | Daneault, Gabriel | DeStefano, Stephen | Dunn, Miriam      |
| Feuerstein, Martin | Fraser, Marilyn   | French, B.bara     | Hess, David       |
| Hoadley, Elizabeth | Jacobson, Alf     | Krueger, Patricia  | Langer, Ray       |
| Larrabee, David    | Lavoie, Gerard    | Leber, William     | Lockwood, Robert  |
| Marshall, Kenneth  | Maxfield, Roy     | Moore, Carol       | Morrill, Olive    |
| Owen, Derek        | Plaff, Terence    | Reardon, Tara      | Rogers, Katherine |
| Seldin, Gloria     | St. Cyr, Gerard   | Wallin, Jean       | Whalley, Michael  |
| Whittemore, James  | Yeaton, Charles   |                    |                   |

ROCKINGHAM

|                       |                    |                       |                          |
|-----------------------|--------------------|-----------------------|--------------------------|
| Abbott, Dennis        | Aranda, M. Kathryn | Arndt, Janet          | Battles-Peirce, Marjorie |
| Belanger, Ronald      | Bishop, Franklin   | Blanchard, MaryAnn    | Carson, Gregory          |
| Case, Margaret        | Cegelis, Mark      | Christie, Andrew, Jr. | Clark, Martha            |
| Coes, Betsy           | Cooney, Richard    | Cushing, Robert       | Dearborn, Bruce          |
| Dowd, Sandra          | Dowling, Patricia  | Downing, Michael      | Dube, LeRoy              |
| Felch, Charles, Sr.   | Fesh, Robert       | Flanagan, Natalie     | Flanders, David          |
| Flanders, John, Sr.   | Franceour, Sheila  | Frechette, Joseph     | Gibbons, Paul            |
| Gleason, John         | Guthrie, Joseph    | Henderson, Warren     | Hutchinson, Rebecca      |
| Johnson, Robert       | Kane, Cecelia      | Katsakiores, George   | Katsakiores, Phyllis     |
| Kelley, Jane          | Klemm, Arthur, Jr. | Kobel, Rudolph        | Langley, Jane            |
| Langone, John         | Letourneau, Robert | Major, Norman         | Malcolm, Kenneth         |
| McCarthy, John, Jr.   | McKinney, Betsy    | Micklon, Stephanie    | Mikowski, Walter         |
| Millard, Ralph        | Moore, Benjamin    | Norelli, Terie        | Nowe, Ronald             |
| Noyes, Richard        | O'Keefe, Patricia  | Packard, Sherman      | Pantelakos, Laura        |
| Raynowska, Bernard    | Reardon, Neil      | Rubin, George         | Schanda, Frank           |
| Simmons, John Anthony | Smith, Kevin       | Stickney, Nancy       | Stritch, Charles         |
| Syracusa, Anthony     | Varrell, Thomas    | Vaughn, Charles       | Verani, Giovanni         |
| Weatherspoon, Jackie  | Welch, David       | Weyler, Kenneth       | Woods, Deborah           |

STRAFFORD

|                  |                  |                    |                  |
|------------------|------------------|--------------------|------------------|
| Berube, Roger    | Brennan, William | Callaghan, Frank   | DeChane, Marlene |
| Dunlap, Patricia | Estabrook, Iris  | Hemon, Roland      | Hilliard, Dana   |
| Kaen, Naida      | Keans, Sandra    | Knowles, William   | Merrill, Amanda  |
| Merritt, Deborah | Musler, George   | Rogers, Rose Marie | Rollo, Michael   |
| Smith, Marjorie  | Sullivan, Henry  | Taylor, Kathleen   | Torr, Ann        |
| Torr, Franklin   | Tsiros, William  | Twardus, Joseph    | Vachon, Dennis   |
| Wall, Janet      |                  |                    |                  |

SULLIVAN

|                    |                |                  |                  |
|--------------------|----------------|------------------|------------------|
| Adler, Rudolf      | Burling, Peter | Donovan, Thomas  | Ferland, Brenda  |
| Krueger, Richard   | Leone, Richard | Palmer, Lorraine | Schotanus, Merle |
| Wiggins, Celestine |                |                  |                  |

NAYS 26  
BELKNAP

Laflam, Robert

CARROLL

Dickinson, Howard, Jr.

CHESHIRE

None

COOS

None

GRAFTON

|                |             |             |
|----------------|-------------|-------------|
| Cobbin, Philip | Ham, Bonnie | Weber, Phil |
|----------------|-------------|-------------|

HILLSBOROUGH

|                  |                    |                    |                     |
|------------------|--------------------|--------------------|---------------------|
| Buckley, Raymond | Burke, M. Virginia | Clegg, Robert, Jr. | Clemons, Kevin, Sr. |
| Daniels, Gary    | Feng, David        | Hart, Nick         | Jean, Loren         |
| Letendre, Evelyn | Martin, Mary       | Perkins, Paul      | Riley, Frances      |
| White, Donald    |                    |                    |                     |

MERRIMACK

Brown, Mary

**ROCKINGHAM**

Beaulieu, Jon  
Morris, Debbie

Camm, Kevin  
Stone, Joseph

Dodge, Robert

Dunham, Vivian

**STRAFFORD**

McCann, William, Jr.

**SULLIVAN**

None

and the report was adopted.

Rep. Stone voted nay and intended to vote yea.

Rep. Spear did not vote and wished to be recorded in favor.

**CACR 5**, relating to the status of supreme court rules. Providing that the supreme court rules shall no longer have the force and effect of law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Sandra Balomenos Keans for the Majority of Judiciary and Family Law: It appears that even the supporters of this legislation agree that if passed this would have no impact. As a co-equal branch of government the courts have the right to set their own administrative rules, just as the legislature sets its own rules. Whether that was fully a part of the question that the voters acted on in 1978 does not change the system. No constitutional question is ever written in its entirety. It was passed by the voters 19 years ago. No evidence was presented that showed any problems directly attributed to the wording of the question. Vote 15-3.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: Twelve words. Following approval, in November of 1978, by two thirds of New Hampshire voters, of an amendment unifying New Hampshire's court system, twelve words were added to the text presented on the ballot. The sentence added proclaimed that "The rules so promulgated shall have the force and effect of law". "Shall", "force", "effect" and "law" are words which have powerful connotations when used in contracts, in legislation and in language. The addition of the language "the rules so promulgated shall have the force and effect of law", whether proponents thought it was sympathetic to the amendment or not, put words in the mouths of voters which there is no evidence that they intended to express. Advocates of passage of CACR 5 simply seek to correct an act of voter disenfranchisement perpetrated upon the people of New Hampshire by individuals who believed that they, and not the people, had the right to define and hone the context and constitutional law in New Hampshire.

Reps. Mirski, Adams and Pepino spoke against.

Reps. Jacobson and Moynihan spoke in favor and yielded to questions.

Rep. Holden spoke in favor.

Rep. Adams requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 282 NAYS 69****YEAS 282****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rosen, Ralph  
Ziegra, Alice

Boyce, Robert  
Hurt, George  
Salatiello, Thomas

Clark, Charles  
Lawton, David  
Thomas, John

Golden, Paul  
Rice, Thomas, Jr.  
Turner, Robert

**CARROLL**

Babson, David, Jr.  
Foster, Robert  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Mock, Henry

Chandler, Gene  
Kenney, Joseph  
Patten, Betsey

Cooper, Kipp  
Lyman, L. Randy  
Philbrick, Donald

**CHESHIRE**

|                    |                   |                     |                    |
|--------------------|-------------------|---------------------|--------------------|
| Avery, Stephen     | Bonneau, Sarah    | Burnham, Daniel     | Champagne, Richard |
| DePecol, Benjamin  | Hunt, John        | Lynott, Margaret    | Manning, Joseph    |
| McGuirk, Paul      | Meador, David     | Metzger, Katherine  | O'Connell, John    |
| Pratt, Irene       | Pratt, John       | Richardson, Barbara | Riley, William     |
| Robertson, Timothy | Royce, H. Charles | Russell, Ronald     | Smith, Edwin       |
| Vogl, John         |                   |                     |                    |

**COOS**

|                |                 |                 |                  |
|----------------|-----------------|-----------------|------------------|
| Bradley, Paula | Davis, Perley   | Guay, Lawrence  | Horton, Lynn     |
| Mears, Edgar   | Moynihan, Wayne | Pratt, Leighton | Tholl, John, Jr. |

**GRAFTON**

|                  |                    |                    |                        |
|------------------|--------------------|--------------------|------------------------|
| Alger, John      | Almy, Susan        | Below, Clifton     | Brown, Channing        |
| Chase, Paul, Jr. | Copenhaver, Marion | Eaton, Stephanie   | Guest, Robert          |
| Hill, Richard    | LaMott, Paul       | Lovett, Sidney     | Luker, Elsa            |
| MacNeil, Allen   | Nordgren, Sharon   | Teschner, Douglass | Williams, William, Jr. |

**HILLSBOROUGH**

|                    |                            |                       |                         |
|--------------------|----------------------------|-----------------------|-------------------------|
| Ackerman, Philip   | Allen, W. Gordon           | Alukonis, David       | Amidon, Eleanor         |
| Asselin, Robert    | Baroody, Benjamin          | Barry, William, III   | Batula, Peter           |
| Belvin, William    | Bergin, Peter              | Briefs, Geoffrey      | Brundige, Robert        |
| Calawa, Leon, Jr.  | Cardin, Lori               | Carlson, Donald       | Carney, Lauren          |
| Chabot, Robert     | Clay, Susan                | Clemons, Jane         | Clemons, Kevin, Sr.     |
| Cote, Peter        | D'Allesandro, Lou          | Daigle, Robert        | Daniels, Gary           |
| Dawe, Eileen       | Desrosiers, William        | Dokmo, Cynthia        | Drabinowicz, A. Theresa |
| Durham, Susan      | Emerton, Lawrence, Sr.     | Feng, David           | Ferguson, Charles       |
| Fields, Dennis     | Foster, Joseph             | Foster, Linda         | Franks, Suzan           |
| Gage, Ruth         | Gagnon, Eugene             | Ginsburg, Ruth        | Golding, William        |
| Goulet, Maurice    | Haettenschwiller, Alphonse | Hall, Betty           | Hansen, Herbert         |
| Hart, Nick         | Herman, Keith              | Holden, Carol         | Holley, Sylvia          |
| Jean, Claudette    | Johnson, Lionel            | Kelley, Robert        | Kelly, Michael          |
| Kurk, Neal         | L'Heureux, Robert          | LaRose, Richard       | Leishman, Peter         |
| Leonard, Peter     | Lozeau, Donnalee           | Luebker, Bernard      | Lynde, Harold           |
| MacAuslan, Rita    | MacGillivray, Jeffrey      | MacIntyre, Doris      | McCarty, Winston        |
| McGough, Tim       | McRae, Karen               | Melcher, Harold       | Mercer, Robert          |
| Messier, Irene     | Milligan, Robert           | Mittelman, David      | Murphy, Robert          |
| O'Hearn, Jane      | Perkins, Paul              | Peterson, Andrew      | Piteri, Dawn            |
| Reidy, Frank       | Sargent, Maxwell           | Searles, Stanley, Sr. | Sullens, Joan           |
| Thulander, O. Alan | Turgeon, Roland            | Vaillancourt, Steve   | Welch, Donald           |
| Wheeler, Robert    | White, Jay                 | Williams, Carol       | Wright, George          |

**MERRIMACK**

|                   |                    |                    |                    |
|-------------------|--------------------|--------------------|--------------------|
| Anderson, Eric    | Burney, Carol      | Daneault, Gabriel  | DeStefano, Stephen |
| Dunn, Miriam      | Feuerstein, Martin | Fraser, Marilyn    | French, B.bara     |
| Hager, Elizabeth  | Hess, David        | Hoadley, Elizabeth | Jacobson, Alf      |
| Krueger, Patricia | Lavoie, Gerard     | Leber, William     | Lockwood, Robert   |
| Marshall, Kenneth | Maxfield, Roy      | Moore, Carol       | Morrill, Olive     |
| Nichols, Avis     | Owen, Derek        | Pfaff, Terence     | Reardon, Tara      |
| Rogers, Katherine | St. Cyr, Gerard    | Wallin, Jean       | Wallner, Mary Jane |
| Whalley, Michael  | Whittemore, James  | Yeaton, Charles    |                    |

**ROCKINGHAM**

|                 |                          |                    |                 |
|-----------------|--------------------------|--------------------|-----------------|
| Arndt, Janet    | Battles-Peirce, Marjorie | Blanchard, MaryAnn | Carson, Gregory |
| Case, Margaret  | Christie, Andrew, Jr.    | Clark, Martha      | Coes, Betsy     |
| Cooney, Richard | Cushing, Robert          | Dearborn, Bruce    | Dowd, Sandra    |

Dowling, Patricia  
Flanders, John, Sr.  
Guthrie, Joseph  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McGovern, Cynthia  
Norelli, Terie  
Packard, Sherman  
Rubin, George  
Smith, Kevin  
Tufts, J. Arthur  
Weyler, Kenneth

Downing, Michael  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
McKinney, Betsy  
Nowe, Ronald  
Pantelakos, Laura  
Sabella, Norma  
Stickney, Nancy  
Vaughn, Charles  
Woods, Deborah

Felch, Charles, Sr.  
Frechette, Joseph  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langley, Jane  
Malcolm, Kenneth  
Mikowski, Walter  
Noyes, Richard  
Raynowska, Bernard  
Schanda, Frank  
Stone, Joseph  
Verani, Giovanni

Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Kelley, Jane  
Langone, John  
McCarthy, John, Jr.  
Moore, Benjamin  
O'Keefe, Patricia  
Reardon, Neil  
Simmons, John Anthony  
Syracusa, Anthony  
Weatherspoon, Jackie

## STRAFFORD

Callaghan, Frank  
Kaen, Naida  
Merriitt, Deborah  
Smith, Marjorie  
Taylor, Kathleen  
Twardus, Joseph

Dunlap, Patricia  
Keans, Sandra  
Musler, George  
Snyder, Clair  
Torr, Ann  
Vachon, Dennis

Estabrook, Iris  
Knowles, William  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin  
Wall, Janet

Hilliard, Dana  
Merrill, Amanda  
Rollo, Michael  
Sullivan, Henry  
Tsiros, William

Burling, Peter  
Leone, Richard

Donovan, Thomas  
Palmer, Lorraine

Ferland, Brenda  
Schotanus, Merle

Krueger, Richard  
Wiggins, Celestine

## SULLIVAN

## NAYS 69

## BELKNAP

Lafiam, Robert

Dickinson, Howard, Jr.

## CARROLL

## CHESHIRE

Steere, Myron, III

## COOS

Coulombe, Henry

Coulombe, Yvonne

Merrill, Gerald

St. Hilaire, Paul

## GRAFTON

Akins, Ralph  
Mirski, Paul  
Weber, Phil

Cobbin, Philip  
Phinney, William

Ham, Bonnie  
Root, John

Hinman, Harry  
Trelfa, Richard

## HILLSBOROUGH

Arnold, Thomas, Jr.  
Burke, M. Virginia  
Flora, Kathleen  
Lessard, Rudy  
McCarthy, William  
Taylor, Paul

Bernier, Shannon  
Christiansen, Lars  
Haley, Robert  
Letendre, Evelyn  
Murch, George  
White, Donald

Boutin, David  
Clegg, Robert, Jr.  
Hunter, Bruce  
Marcinkowski, Michael  
Pepino, Leo

Buckley, Raymond  
Fenton, James  
Jean, Loren  
Martin, Mary  
Riley, Frances

## MERRIMACK

Adams, Stephen  
Langer, Ray

Brown, Mary  
Larrabee, David

Colburn, Kathleen  
Seldin, Gloria

Crowell, Peter

**ROCKINGHAM**

Aranda, M. Kathryn  
Camm, Kevin  
Dunham, Vivian  
Micklon, Stephanie  
Varrell, Thomas

Beaulieu, Jon  
Cegelis, Mark  
Fesh, Robert  
Millard, Ralph  
Welch, David

Belanger, Ronald  
Dodge, Robert  
Flanders, David  
Morris, Debbie

Bishop, Franklin  
Dube, LeRoy  
Gibbons, Paul  
Stritch, Charles

**STRAFFORD**

Brennan, William  
McKinley, Robert

DeChane, Marlene

Hemon, Roland

McCann, William, Jr.

**SULLIVAN**

Adler, Rudolf

and the report was adopted.

**HB 201-L**, allowing municipalities to apply the amount of a property tax abatement refund to outstanding taxes owed by the taxpayer. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Douglass P. Teschner for the Majority of Local and Regulated Revenues: This bill, which is supported by the NH Municipal Association, allows local selectmen or assessors to apply funds from property tax abatements to overdue taxes then owed to that municipality by the taxpayer. Under a 1993 rule by the Board of Land and Tax Appeals, rebates awarded on appeal must be repaid to the taxpayer by check or cash. The bill arose out of a case in which taxpayers took such abatements in cash and then failed to make overdue tax payments to their community. This bill will reduce the possibility of this occurring in the future. The bill only applies to outstanding taxes, not to future taxes, and is enabling only. Vote 12-5.

Rep. Jean R. Wallin for the Minority of Local and Regulated Revenues: If an abatement has been granted to a taxpayer, taxes were judged to have been wrongfully collected. The minority feels that the individual taxpayer should have the freedom to decide how that money should be used. If someone has not paid their taxes, it is possible that the abatement amount needs to be used for mortgage payments, medical treatment, or food. Further, the minority feels there is no standard procedure for the local officials to follow when deciding who receives the cash and who has their abatement applied to back taxes.

Reps. Boutin and Linda Foster spoke against and yielded to questions.

Reps. Teschner and Pantelakos spoke in favor.

Reps. Coes and Wallin spoke against.

Rep. Hess spoke in favor and yielded to questions.

Rep. Teschner requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 198 NAYS 146**

**YEAS 198**

**BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Thomas, John

Boyce, Robert  
Hurt, George  
Ziegler, Alice

Clark, Charles  
Lawton, David

Golden, Paul  
Rosen, Ralph

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Royce, H. Charles

Hunt, John  
Smith, Edwin

Manning, Joseph

Metzger, Katherine

**COOS**

Coulombe, Yvonne

Davis, Perley

Guay, Lawrence

Tholl, John, Jr.

**GRAFTON**

Akins, Ralph

Alger, John

Brown, Channing

Chase, Paul, Jr.

Eaton, Stephanie

Guaraldi, Lawrence

Hill, Richard

Hinman, Harry

Teschner, Douglass

Trelfa, Richard

Williams, William, Jr.

**HILLSBOROUGH**

Alukonis, David

Amidon, Eleanor

Arnold, Thomas, Jr.

Batula, Peter

Belvin, William

Bergin, Peter

Bernier, Shannon

Briefs, Geoffrey

Brundige, Robert

Burke, M. Virginia

Calawa, Leon, Jr.

Carlson, Donald

Carney, Lauren

Chabot, Robert

Clay, Susan

Daigle, Robert

Daniels, Gary

Dawe, Eileen

Desrosiers, William

Dokmo, Cynthia

Durham, Susan

Emerton, Lawrence, Sr.

Feng, David

Fenton, James

Fields, Dennis

Flora, Kathleen

Franks, Suzan

Gagnon, Eugene

Ginsburg, Ruth

Golding, William

Goulet, Maurice

Hansen, Herbert

Herman, Keith

Holden, Carol

Johnson, Lionel

Kelley, Robert

Kelly, Michael

Kurk, Neal

L'Heureux, Robert

Leishman, Peter

Leonard, Peter

Letendre, Evelyn

Lozeau, Donnalee

Luebker, Bernard

MacAuslan, Rita

MacGillivray, Jeffrey

MacIntyre, Doris

McCarty, Winston

McGough, Tim

McRae, Karen

Mercer, Robert

Milligan, Robert

Mittelman, David

O'Hearn, Jane

Peterson, Andrew

Piteri, Dawn

Riley, Frances

Sargent, Maxwell

Searles, Stanley, Sr.

Sullens, Joan

Thulander, O. Alan

Wheeler, Robert

White, Donald

Wright, George

**MERRIMACK**

Adams, Stephen

Anderson, Eric

Crowell, Peter

DeStefano, Stephen

Feuerstein, Martin

Fraser, Marilyn

Hager, Elizabeth

Hess, David

Jacobson, Alf

Krueger, Patricia

Langer, Ray

Larrabee, David

Leber, William

Lockwood, Robert

Marshall, Kenneth

Maxfield, Roy

Morrill, Olive

Nichols, Avis

Pfaff, Terence

Reardon, Tara

Whalley, Michael

Whittemore, James

**ROCKINGHAM**

Aranda, M. Kathryn

Arndt, Janet

Battles-Peirce, Marjorie

Belanger, Ronald

Bishop, Franklin

Camm, Kevin

Carson, Gregory

Case, Margaret

Christie, Andrew, Jr.

Cooney, Richard

Dearborn, Bruce

Dowd, Sandra

Dube, LeRoy

Dunham, Vivian

Felch, Charles, Sr.

Flanders, David

Flanders, John, Sr.

Francoeur, Sheila

Frechette, Joseph

Gleason, John

Guthrie, Joseph

Henderson, Warren

Hutchinson, Rebecca

Johnson, Robert

Katsakiores, Phyllis

Klemm, Arthur, Jr.

Kobel, Rudolph

Langone, John

Letourneau, Robert

Major, Norman

Malcolm, Kenneth

McCarthy, John, Jr.

McKinney, Betsy

Mikowski, Walter

Norelli, Terie

Nowe, Ronald

Noyes, Richard

Packard, Sherman

Pantelakos, Laura

Raynowska, Bernard

Reardon, Neil

Sabella, Norma

Simmons, John Anthony

Smith, Kevin

Stickney, Nancy

Stone, Joseph

Tufts, J. Arthur

Varrell, Thomas

Vaughn, Charles

Verani, Giovanni

Welch, David

Weyler, Kenneth

Woods, Deborah

**STRAFFORD**

Brennan, William

Callaghan, Frank

Dunlap, Patricia

Kaen, Naida

Keans, Sandra

McKinley, Robert

Merritt, Deborah

Spear, Barbara

Torr, Ann

Torr, Franklin

Tsiros, William

**SULLIVAN**

Adler, Rudolf

Krueger, Richard

Leone, Richard

Schotanus, Merle

**NAYS 146****BELKNAP**

|                |                   |                    |                |
|----------------|-------------------|--------------------|----------------|
| Laflam, Robert | Rice, Thomas, Jr. | Salatiello, Thomas | Turner, Robert |
|----------------|-------------------|--------------------|----------------|

**CARROLL**

None

**CHESHIRE**

|                    |                 |                     |                   |
|--------------------|-----------------|---------------------|-------------------|
| Bonneau, Sarah     | Burnham, Daniel | Champagne, Richard  | DePecol, Benjamin |
| Lynott, Margaret   | McGuirk, Paul   | Meader, David       | O'Connell, John   |
| Pratt, Irene       | Pratt, John     | Richardson, Barbara | Riley, William    |
| Robertson, Timothy | Russell, Ronald | Steere, Myron, III  | Vogl, John        |

**COOS**

|                 |                 |                   |              |
|-----------------|-----------------|-------------------|--------------|
| Bradley, Paula  | Coulombe, Henry | Horton, Lynn      | Mears, Edgar |
| Moynihan, Wayne | Pratt, Leighton | St. Hilaire, Paul |              |

**GRAFTON**

|               |                |                  |                    |
|---------------|----------------|------------------|--------------------|
| Almy, Susan   | Below, Clifton | Cobbin, Philip   | Copenhaver, Marion |
| Guest, Robert | Ham, Bonnie    | LaMott, Paul     | Lovett, Sidney     |
| Luker, Elsa   | MacNeil, Allen | Nordgren, Sharon | Phinney, William   |
| Root, John    | Weber, Phil    |                  |                    |

**HILLSBOROUGH**

|                     |                    |                         |                           |
|---------------------|--------------------|-------------------------|---------------------------|
| Ackerman, Philip    | Allen, W. Gordon   | Asselin, Robert         | Baroody, Benjamin         |
| Barry, William, III | Boutin, David      | Buckley, Raymond        | Cardin, Lori              |
| Christiansen, Lars  | Clegg, Robert, Jr. | Clemons, Jane           | Clemons, Kevin, Sr.       |
| Cote, Peter         | D'Allesandro, Lou  | Drabinowicz, A. Theresa | Ferguson, Charles         |
| Foster, Joseph      | Foster, Linda      | Gage, Ruth              | Haettenschwiler, Alphonse |
| aley, Robert        | Hall, Betty        | Hart, Nick              | Holley, Sylvia            |
| Hunter, Bruce       | Jean, Claudette    | Jean, Loren             | LaRose, Richard           |
| Lessard, Rudy       | Lynde, Harold      | Marcinkowski, Michael   | Martin, Mary              |
| McCarthy, William   | Melcher, Harold    | Messier, Irene          | Murch, George             |
| Murphy, Robert      | Pepino, Leo        | Perkins, Paul           | Reidy, Frank              |
| Taylor, Paul        | Turgeon, Roland    | Vaillancourt, Steve     | Welch, Donald             |
| Williams, Carol     |                    |                         |                           |

**MERRIMACK**

|                   |                    |                   |              |
|-------------------|--------------------|-------------------|--------------|
| Brown, Mary       | Burney, Carol      | Daneault, Gabriel | Dunn, Miriam |
| French, B.rbara   | Hoadley, Elizabeth | Moore, Carol      | Owen, Derek  |
| Rogers, Katherine | Seldin, Gloria     | St. Cyr, Gerard   | Wallin, Jean |
| Yeaton, Charles   |                    |                   |              |

**ROCKINGHAM**

|                      |                    |                   |                    |
|----------------------|--------------------|-------------------|--------------------|
| Beaulieu, Jon        | Blanchard, MaryAnn | Cegelis, Mark     | Coes, Betsy        |
| Cushing, Robert      | Dodge, Robert      | Dowling, Patricia | Downing, Michael   |
| Fesh, Robert         | Flanagan, Natalie  | Gibbons, Paul     | Kane, Cecelia      |
| Katsakiores, George  | Kelley, Jane       | McGovern, Cynthia | Micklon, Stephanie |
| Millard, Ralph       | Moore, Benjamin    | Morris, Debbie    | O'Keefe, Patricia  |
| Rubin, George        | Schanda, Frank     | Stritch, Charles  | Syracusa, Anthony  |
| Weatherspoon, Jackie |                    |                   |                    |

**STRAFFORD**

|                    |                      |                 |                |
|--------------------|----------------------|-----------------|----------------|
| DeChane, Marlene   | Estabrook, Iris      | Hemon, Roland   | Hilliard, Dana |
| Knowles, William   | McCann, William, Jr. | Merrill, Amanda | Musler, George |
| Rogers, Rose Marie | Rollo, Michael       | Smith, Marjorie | Snyder, Clair  |
| Sullivan, Henry    | Taylor, Kathleen     | Twardus, Joseph | Vachon, Dennis |
| Wall, Janet        |                      |                 |                |

## SULLIVAN

Burling, Peter  
Wiggins, Celestine

Donovan, Thomas

Ferland, Brenda

Palmer, Lorraine

and the report was adopted.

Ordered to third reading.

Rep. Mirski declared a conflict of interest and did not participate.

**HB 186-FN, relative to fees for number plates. OUGHT TO PASS WITH AMENDMENT**

Rep. Roland M. Turgeon for Transportation: Due to the increase in the cost of material, manufacturing and mailing of reflectorized plates, the committee found it was necessary to increase the fee from \$1.50 to \$2.50 per plate on the issuance of the original plates to cover the cost on the new reflectorized plates. Vote 18-0.

**Amendment (0028h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to fees for number plates and reducing the amount of the inventory fund in the department of safety.

Amend the bill by replacing section 1 with the following:

1 Fee Increased. Amend RSA 228:25, I to read as follows:

I. There is hereby established an inventory fund in the department of safety in the amount of [~~\$2,000,000~~] **\$1,000,000** which sum is hereby authorized as a revolving fund comprised of funds in the highway fund that are not otherwise appropriated. The prison shall purchase such raw materials as may be required and agreed to by the commissioner of safety in order for the commissioner of safety to issue fully reflectorized motor vehicle number plates. This purchase shall be a charge against the inventory fund and the prison shall be responsible for the control and accountability of the raw materials so charged. Said number plates shall be manufactured at the state prison. The prison shall be furnished out of said inventory account the raw materials necessary to manufacture said plates and upon receipt of the finished plates by the department of safety shall be reimbursed for their direct and indirect costs. The commissioner of safety shall, annually, request the commissioner of administrative services to review and approve said cost rates. Notwithstanding any other provision of law, the commissioner of safety shall charge in addition to the regular motor vehicle registration fee the sum of [~~\$1.50~~] **\$2.50** per plate at the time of issuing said reflectorized motor vehicle number plates or replacement reflectorized number plates. Said additional charge shall not give the registrant any title or other property interest in said plates. The commissioner of safety or [~~his~~] deputy may request from time to time delivery of [~~said~~] **the** number plates from the prison and shall reimburse [~~said~~] **the** inventory fund by a transfer from revenue. At least 6 months prior to subsequent general issue, a transfer from revenue shall be made for all remaining finished plates in inventory.

**AMENDED ANALYSIS**

This bill increases the annual registration fee for number plates from \$1.50 to \$2.50.

The bill also reduces the amount of the inventory fund in the department of safety from \$2,000,000 to \$1,000,000.

Adopted.

Report adopted and referred to Finance.

**CACR 3**, relating to authorizing counties to implement an income tax. Providing that a county may implement an income tax, provided that there is a binding referendum of the voters of the county and approval by the legislature. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Local and Regulated Revenues: While the committee was sympathetic to the cause of lowering property taxes, there was no support for the concept of instituting county income taxes. The sponsor was the only person to testify on this bill. Vote 16-0.

Rep. Robertson spoke against.

Rep. Avery spoke in favor.

Adopted.

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 107.  
Rep. Pfaff, Sen. Barnes for the Committee

**PRESENTATION**

Rep. Hill presented to the House with a certificate of authenticity and the State flag flown aboard the United States Space Shuttle Columbia between June 20, and July 7, 1996 by Richard M. Linnehan, D.V.M., Mission Specialist Astronaut, and requested that the certificate and flag be given to the Christa McAuliffe Planetarium.

Without objection, the Speaker ordered that the certificate and flag be given to the planetarium.

**UNANIMOUS CONSENT**

Rep. Laflam addressed the House.

**RESOLUTION**

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 12, 1997 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 130**, clarifying the authority of county commissioners to arrange for work by prisoners.

**HB 227-L**, relative to North Hampton property taxes.

**HB 216**, relative to municipal budgets.

**HB 251**, reclassifying a portion of North Main Street in the town of Farmington and a portion of Passaconaway Road in the town of Albany.

**HB 201-L**, allowing municipalities to apply the amount of a property tax abatement refund to outstanding taxes owed by the taxpayer.

**RECESS MOTION**

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill reports and enrolled bill amendments only.

Adopted.

The House recessed at 3:35 p.m.

**RECESS**

(Speaker Sytek in the Chair)

**SENATE MESSAGE****CONCURRENCE**

**HB 160-L**, authorizing the governing body of the town of Raymond to order an assessor's plat to clarify property ownership.

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 160.  
Rep. Henderson, Sen. Barnes for the Committee

**RECESS**

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 6

Wednesday, February 12, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of unceasing love, help us to see one another as You see us and to draw forth from each other those energies that may best serve the land and people of New Hampshire. Pour out upon these men and women the blessings of discernment, good will and patience; strengthen them in all they do so that their work together may be a blessing for others. Amen.

Reps. O'Hearn and Sullens led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Battles, Burney, Clay, Patricia Cote, DePecol, Franks, Beverly Gage, Gosselin, Hawkinson, Holbrook, Lovejoy, O'Connell and Paul Taylor, the day, illness.

Reps. Ameen, Avery, Bartlett, David Cote, Dawe, Doucette, Ruth Gage, Griffin, Hall, Holt, Lessard, Lamach, Millard, James McDonald, Marsha Pelletier, Katherine Rogers, Spear and Veazey, the day, important business.

Rep. Piteri, the day, illness in the family.

### INTRODUCTION OF GUESTS

Robert Plante, Priscilla Dowse, Carol Madden and Diane LaPlante, guests of Rep. Akins. Jason DeCota and Pauline Harrison, guests of the Education Committee.

### COMMUNICATIONS

February 11, 1997

Karen Wadsworth, Clerk of the House:

It is with a great sense of regret that I deliver to you the resignation of my seat in the House of Representatives. This decision comes as the result of personal matters that are in immediate need of my full attention, which would result in my absence from my House duties. This decision that I have chosen is difficult, as I have enjoyed the past 16-plus years serving my constituents, as well as the state. There have been great goals achieved by the state, and there are many more to accomplish. Unfortunately, I feel I must relinquish my current role in this future direction.

I thank all who have served with me, and ask for your understanding in this personal decision.

Rep. Ralph W. Torr, Strafford 19

The Speaker accepted the resignation with regret.

February 12, 1997

Madam Speaker, Honorable Members of the House, Madam Clerk:

One of the highest privileges that comes with the office of State Representative is the honor of standing with this body and pledging allegiance to the flag. One of the most significant benefits of this office is the educational opportunity we have to learn from each other and our collective experiences.

The highest honor of this office, however, is the opportunity to serve all the people of our state. I am fortunate to have been part of this process.

It is, therefore, with deep regret and sorrow that I resign effective February 13, 1997 as a representative of Hillsborough County, District 33 due to relocating in the United Kingdom. Please accept my sincere gratitude for all you have taught me and a truly memorable experience. My goal is to move from serving in the third largest legislative body, to serving in the largest legislative body. Parliament, here I come.

Rep. Joan C. Sullens, Hills. 33

The Speaker accepted the resignation with regret.

## VACATES

Rep. Edwin Smith moved that the House vacate the reference to the Committee on State-Federal Relations and Veterans Affairs of **HJR 4**, urging the United States Congress and the Federal Energy Regulatory Commission to cooperate with state plans to restructure the electric utility industry and **HJR 5**, urging the United States Congress and the United States Environmental Protection Agency to make certain changes in the Clean Air Act which would result in more cost effective air pollutant emission reductions.

Adopted and referred to Science, Technology and Energy.

Rep. Jeb Bradley moved that the House vacate the reference to the Committee on Science, Technology and Energy of **HB 707**, relative to municipal taxation of utility property.

Adopted and referred to Local and Regulated Revenues.

Rep. Packard moved that the House vacate the reference to the Committee on Transportation of **HB 755**, increasing certain OHRV registration fees and requiring the department of fish and game to file an annual report to the legislature.

Adopted and referred to Resources, Recreation and Development.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**HB 280**, relative to uniform contracts for roofing contractors. INEXPEDIENT TO LEGISLATE  
Rep. Eric. N. Lindblade for Commerce: Uniform Commercial Code law already provides for contracts whenever two parties engage in a mutually beneficial action, to ensure that all specified conditions are adhered to. Vote 17-0.

**HB 125**, relative to methadone therapy. INEXPEDIENT TO LEGISLATE

Rep. Doris R. MacIntyre for Criminal Justice and Public Safety: The committee supports the existing methadone legislation which allows methadone treatment for heroin addicted pregnant women. We wish to monitor the outcome of our current legislation before we adopt such sweeping new legislation. Vote 12-0.

**HB 233**, making failure to provide child support a class B felony. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: Making failure to provide child support a class B felony was heard at length by our committee and the recommended penalty and many related issues were discussed. But the question still remained. Should non payment of child support change from a misdemeanor to a class B felony? The answer to this is an absolute No. Would making non support a felony guarantee payment? No. Would longer incarceration improve payment? No; especially if the obligor is in jail. Would making non support a felony make restitution easier? Possibly, but RSA 546:5 already allows this. Lastly, would making non support a felony require jury trials for anyone who contested the issued? Absolutely. And this begs the question, can our court system handle this? We submit the answer to this is No and we further believe that there would be a large increase in jury trials adding a tremendous burden to our already crowded court system. The committee felt strongly on this issue as shown by its ITL. Vote 17-0.

**HB 325**, eliminating the correctional industries advisory board. OUGHT TO PASS

Rep. Andrew Christie, Jr. For Criminal Justice and Public Safety: RSA 622:28-b, effective August 8, 1993, established a correctional industries advisory board According to statute "the board shall meet at least annually to assist the commissioner of corrections in decisions relative to industry products, including marketing, selection, sales, manufacturing, purchasing, customer relations, product quality, pricing and other business matters." The board was never created, but the oversight duties are being handled efficiently by the Advisory Board for Vocational-Technical Education for the New Hampshire Department of Corrections. Therefore the committee established in RSA 622:28-b is not required. Vote 17-0.

**HB 154**, defining "legal resident" for purposes of school attendance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair A. Snyder for Education: This bill delineates as far as possible what qualifies as a resident for school attendance. It should prevent the questions previously faced by school districts as to who was eligible to attend school in their district. The amendment further clarifies existing residency ambiguities. Vote 12-1.

**Amendment (0097h)**

Amend the bill by replacing section 6 with the following:

6 School Attendance; "Legal Residence" and "Legal Resident" Defined. RSA 193:12 is repealed and reenacted to read as follows:

193:12 Legal Residence Required.

I. Notwithstanding any other provision of law, no person shall attend school, or send a pupil to the school, in any district of which the pupil is not a legal resident, without the consent of the district or of the school board except as otherwise provided in this section.

II. For purposes of this section, the legal residence of a pupil shall be as follows:

(a) In the case of a minor, legal residence is where his or her parents reside, except that:

(1) If the parents live apart, legal residence is where either parent resides, but if a parent with sole custody lives outside the state of New Hampshire, the pupil does not have a legal residence in New Hampshire;

(2) If the minor is in the custody of a legal guardian appointed by a New Hampshire court or a court of competent jurisdiction in another state, territory, or country, legal residence is where the guardian resides.

(b) In the case of a student who has reached the age of majority, legal residence is where the student resides.

III. For the purposes of this title, "legal resident" of a school district means a natural person who is domiciled in the school district and who, if temporarily absent, demonstrates an intent to maintain a principal dwelling place in the school district indefinitely and to return there, coupled with an act or acts consistent with that intent. A married person may have a domicile independent of the domicile of his or her spouse. If a person removes to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time. A person may have only one legal residence at a given time.

IV. For the purposes of this section, the legal residence of a child of homeless parents is where the child temporarily resides unless the parents and another school district agree that the child's attendance in school in that school district will be in the best interests of the child in that continuity of education will be provided and transportation will not be unduly burdensome to the school district. "A child of homeless parents" means a child whose parents:

(a) Lack a fixed, regular and adequate residence; or

(b) Have a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations such as public assistance hotels, emergency shelters, battered women's shelters, and transitional housing facilities, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

V. Nothing in this section shall limit or abridge the right of any child placed and cared for in any home for children to attend the public schools of the school district in which the home for children is located, as provided in RSA 193:28.

VI. The superintendent shall decide attendance issues under this section. Any person aggrieved by a decision of the superintendent may appeal such decision to the commissioner of the department of education, whose determination shall be final.

**HB 219**, repealing provisions relative to literacy instruction and the committee to study literacy and remedial instruction. **OUGHT TO PASS**

Rep. Charles B. Yeaton for Education: This bill repeals a section of law which calls for a committee to study literacy and remedial instruction. This law, RSA 189:54, has not received an appropriation and has no current or future purpose as these instructional functions are being carried out by other committees. Vote 16-0.

**HR 9**, urging local school districts to require interaction between educationally disabled pupils and nondisabled pupils for academic credit. INEXPEDIENT TO LEGISLATE  
Rep. Phil A. Weber for Education: This resolution is a noble effort to build harmony for disabled students. However, it is the committee's belief that interaction between pupils regardless of abilities should evolve naturally within local school districts without state mandates. Vote 16-0.

**HB 179**, permitting elected city officials to serve as election officials. INEXPEDIENT TO LEGISLATE  
Rep. Jane A. Clemons for Election Law: This committee heard no testimony that convinced us that this bill was needed. No city with or without voting machines sees a need for this bill at this time. Therefore, the committee was unanimous in this decision. Vote 15-0.

**HB 205**, relative to a generic ballot in unorganized places. OUGHT TO PASS WITH AMENDMENT  
Rep. Lynn C. Horton for Election Law: This bill as amended applies only to unorganized places and spells out voting procedure for these places. Vote 17-0.

#### Amendment (0079h)

Amend the title of the bill by replacing it with the following:  
AN ACT relative to special ballots for unorganized places.

Amend the bill by replacing all after the enacting clause with the following:

1 Ballot Preparation Requirements For Unorganized Places Modified. Amend RSA 656:39 to read as follows:

656:39 Preparation of Special Ballots. The secretary of state shall prepare special state election ballots for inhabitants of ~~[unincorporated]~~ *unorganized* places as provided in RSA 668.

2 Ballot Preparation Requirements for Unorganized Places Modified. Amend RSA 668:5 to read as follows:

668:5 Preparation of Special Ballots. For any state election, the secretary of state shall prepare special ballots for the inhabitants of ~~[each]~~ *all* unorganized places. *For purposes of this section, "special ballots" shall mean the ballots to be used by all unorganized places in the same state representative district as opposed to separate ballots for each unorganized place. These special ballots shall have no location printed on them, but shall have a space where the name of an unorganized place shall be entered by the town clerk of the designated town.* [On the special ballots, the secretary shall have printed the words necessary to make the ballots distinct from the other ballots in the town in which they are designated to vote.] The secretary of state shall print only the names of candidates for offices for which the inhabitants of ~~[the]~~ *each* unorganized place are entitled to vote, as provided in RSA 668:4. *It shall be the duty of the town clerk to make ready in advance a sufficient number of ballots for each person on the official checklist of the unorganized places. If it is necessary because of election day registrations, extra ballots shall be prepared and the number attested to at the end of the voting.* In all other respects, such special ballots shall be printed and forwarded to the town clerk in the same manner as the other ballots for the designated town.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires the secretary of state to prepare special ballots for unorganized places which include all unorganized places in the same state representative district on one ballot for any state election. Current law requires a special ballot for each unorganized place for state elections.

**HB 321**, correcting a reference to the American Podiatry Association. OUGHT TO PASS  
Rep. Alphonse A. Haettenschwiller for Health, Human Services and Elderly Affairs: This bill is a minor housekeeping measure to make the reference in RSA 315:2, I conform with the current name of the national association from American Podiatry Association to the American Podiatric Medical Association. Vote 16-0.

**CACR 11**, relating to legislative authority to limit noneconomic damage awards. Providing that the general court shall have the authority to limit the amount of noneconomic damage awards granted in the state of New Hampshire. INEXPEDIENT TO LEGISLATE  
Rep. Marjorie K. Smith for Judiciary and Family Law: No testimony in support of this legislation was presented by anyone other than the sponsor. The text was unclear and there was no demonstrable need for such an amendment. Vote 14-0.

**HB 312**, establishing a procedure for making and accepting offers of judgment in civil cases. **INEXPEDIENT TO LEGISLATE**

Rep. Cynthia A. McGovern for Judiciary and Family Law: The committee determined that this bill was unnecessary as roughly 90% of cases are currently settled out of court. Furthermore, there was some concern that this legislation would unfairly impose additional costs on parties seeking justice - something current practice does not do. Vote 15-0.

**HB 320**, requiring attorneys in divorce cases to provide clients with a statement of client's rights and responsibilities and a retainer agreement containing certain information, and subjects attorneys to certain other procedures in divorce cases. **INEXPEDIENT TO LEGISLATE**

Rep. Rep. Deborah L. Woods for Judiciary and Family Law: This bill was sponsored at the request of a single constituent who failed to follow-up with the sponsor in any way. The sponsor had thoughts of withdrawing the bill, but it was too late. Notwithstanding this, the bill has multiple problems and inconsistencies. Vote 15-0.

**HB 331**, adopting the uniform foreign depositions law and relative to admission of copies as evidence. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rep. Deborah L. Woods for Judiciary and Family Law: The first section of this bill is a housekeeping measure and the committee concurs with its passage. The second section of the bill, however, re: 520-A, apparently appeared "out of nowhere", not being requested by the sponsor. Therefore, the amendment deletes the second section of the bill. Vote 14-1.

#### **Amendment (0137h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** adopting the uniform foreign depositions law.

Amend the bill by deleting section 2 and renumbering the original section 3 as 2.

#### **AMENDED ANALYSIS**

This bill adopts the uniform foreign depositions law.

**HB 387-L**, extending municipal immunity from liability for injuries from accidents caused by snow and ice in municipal parking lots. **INEXPEDIENT TO LEGISLATE**

Rep. Cynthia A. McGovern for Judiciary and Family Law: The sponsor requested that this bill be withdrawn. Vote 13-0.

**HB 341**, relative to filing lucky 7 applications with the sweepstakes commission. **OUGHT TO PASS**

Rep. Linda T. Foster for Local and Regulated Revenues: These "housekeeping" changes were suggested by the Sweepstakes Commission and are the result of a recent audit. The language regarding the Lucky 7 applications now mirrors the language regarding Bingo. There is no policy change. Vote 13-0.

**HB 349**, repealing certain pari-mutuel laws relative to racing funds, disbursements of the funds and records of receipts. **OUGHT TO PASS**

Rep. Jean R. Wallin for Local and Regulated Revenues: This is a housekeeping bill that removes references to certain outdated statutes. Vote 13-0.

**HB 427-LOCAL**, allowing a municipality to adopt a local meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Robert N. Kelley for Local and Regulated Revenues: This bill was voted as inexpedient to legislate. The sponsor appeared and requested the bill to be withdrawn. The committee complied with the request. Vote 12-0.

**HB 210**, requiring that an applicant to a planning or zoning board wishing to subdivide property supply the names of holders of conservation or preservation restrictions on the subdivision property, who will then be notified by the board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert A. Lockwood for Municipal and County Government: This bill requires that an applicant to a planning or zoning board wishing to subdivide property supply the names of holders of conservation preservation or agricultural preservation restrictions of the subdivision property who will then be notified by the board. The amendment adds the category "Agriculture" to the original bill. The committee was unanimous in its agreement that passage of the bill is the right thing to do. Costs of this process shall be borne by the applicant. Vote 16-0.

### Amendment (0176h)

Amend the title of the bill by replacing it with the following:

AN ACT requiring that an applicant to a planning or zoning board wishing to subdivide property supply the names of holders of conservation, preservation, or agricultural preservation restrictions on the subdivision property, who will then be notified by the board.

Amend the bill by replacing all after the enacting clause with the following:

1 Conservation, Preservation, or Agricultural Preservation Restrictions; Names of Holders Required for Subdivision Application to Planning or Zoning Board. Amend RSA 676:4, I(b) to read as follows:

(b) The planning board shall specify by regulation what constitutes a completed application sufficient to invoke jurisdiction to obtain approval. A completed application means that sufficient information is included or submitted to allow the board to proceed with consideration and to make an informed decision. A completed application sufficient to invoke jurisdiction of the board shall be submitted to and accepted by the board only at a public meeting of the board, with notice as provided in subparagraph (d). The applicant shall file the application with the board or its agent at least 15 days prior to the meeting at which the application will be accepted. The application shall include the names and addresses of the applicant, *all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45*, and all abutters as indicated in the town records for incorporated towns or county records for unincorporated towns or unorganized places not more than 5 days before the day of filing. Abutters shall also be identified on any plat submitted to the board. The application shall also include the name and business address of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board.

2 Application for Subdivision; Notice by Planning or Zoning Board to Holders of Conservation, Preservation, or Agricultural Preservation Restrictions. Amend RSA 676:4, I(d) and (e) to read as follows:

(d) Notice to the applicant, *holders of conservation, preservation, or agricultural preservation restrictions*, abutters, and the public shall be given as follows: The planning board shall notify the abutters, the applicant, *holders of conservation, preservation, or agricultural preservation restrictions*, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board by certified mail of the date upon which the application will be formally submitted to the board. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting or publication as required by the subdivision regulations. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the planning board to terminate further consideration and to disapprove the plat without a public hearing.

(e) Except as provided in this section, no application may be denied or approved without a public hearing on the application. At the hearing, any applicant, ~~[any]~~ abutter, *holder of conservation, preservation, or agricultural preservation restriction*, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the subdivision regulations or the board at each hearing. Public hearings shall not be required, unless specified by the subdivision regulations, when the board is considering or acting upon:

(1) Minor lot line adjustments or boundary agreements which do not create buildable lots, except that notice to abutters and *holders of conservation, preservation, or agricultural preservation restrictions* shall be given prior to approval of the application in accordance with subparagraph (d) and any abutter *or holder of conservation, preservation, or agricultural preservation restrictions* may be heard on the application upon request; or

(2) Disapprovals of applications based upon failure of the applicant to supply information required by the regulations, including ~~[abutters']~~ identification *of abutters or holders of con-*

*ervation, preservation, or agricultural preservation restrictions*; or failure to meet reasonable deadlines established by the board; or failure to pay costs of notice or other fees required by the board.

3 Design Review Phase; Notice to Holders of Conservation, Preservation, or Agricultural Preservation Restrictions. Amend RSA 676:4, II(b) to read as follows:

(b) Design review phase. The board or its designee may engage in nonbinding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters, *holders of conservation, preservation, or agricultural preservation restrictions*, and the general public as required by subparagraph I(d). Statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken.

4 Expedited Review; Notice to Holders of Conservation, Preservation, or Agricultural Preservation Restrictions. Amend RSA 676:4, III to read as follows:

III. A planning board may, by adopting regulations, provide for an expedited review and approval for proposals involving minor subdivisions which create not more than 3 lots for building development purposes or for proposals which do not involve creation of lots for building development purposes. Such expedited review may allow submission and approval at one or more board meetings, but no application may be approved without the full notice to the abutters, *holders of conservation, preservation, or agricultural preservation restrictions*, and public required under subparagraph I(d). A hearing, with notice as provided in subparagraph I(d), shall be held if requested by the applicant ~~or~~, abutters, *or holders of conservation, preservation, or agricultural preservation restrictions* any time prior to approval or disapproval or if the planning board determines to hold a hearing.

5 Revocation of Application; Notice to Holders of Conservation, Preservation, or Agricultural Preservation Restrictions. Amend RSA 676:4-a, II to read as follows:

II. Prior to recording any revocation under this section, the planning board shall give notice, as provided by RSA 676:4, I(d), to the public, the applicant or the applicant's successor in interest, and all abutters *and holders of conservation, preservation, or agricultural preservation restrictions*. The notice shall include the board's reasons for the revocation. A hearing with notice as provided in RSA 676:4, I(d) shall be held at the request of any party receiving such notice, submitted within 30 days of receiving such notice, or if the planning board determines to hold a hearing.

6 Appeal to the Zoning Board of Appeals; Notice to Holders of Conservation, Preservation, or Agricultural Preservation Restrictions. Amend RSA 676:7, I(a) to read as follows:

(a) The appellant and every abutter *and holder of conservation, preservation, or agricultural preservation restrictions* shall be notified of the hearing by certified mail stating the time and place of the hearing, and such notice shall be given not less than 5 days before the date fixed for the hearing of the appeal. The board shall hear all abutters *and holders of conservation, preservation, or agricultural preservation restrictions* desiring to submit testimony and all nonabutters who can demonstrate that they are affected directly by the proposal under consideration. The board may hear such other persons as it deems appropriate.

7 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires that an applicant to a planning or zoning board wishing to subdivide property supply the names of holders of conservation, preservation, or agricultural preservation restrictions on the subdivision property. The board is then required to notify those holders of conservation, preservation, or agricultural preservation restrictions of the application for subdivision and other proceedings.

**HB 215**, relative to taxation of discretionary easements. **OUGHT TO PASS**

Rep. Kathrine H Metzger for Municipal and County Government: This bill just clarifies RSA 79-C that grandfathers discretionary easements granted prior to August 2, 1996. Everyone that spoke was in favor. There was no opposition. Vote 14-0.

**HB 185-FN-A-L**, requiring the state to maintain the veterans' portion of the Park Cemetery in Tilton and making a continuing appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Paul I. LaMott for Public Works and Highways: Although this bill is well intentioned, it is found inexpedient because the funds (\$500.00) requested are currently available to the New Hampshire Veteran's Home for cemetery maintenance in Tilton. The committee has been assured that cemetery maintenance and responsibility therefore will be assumed by the Adjutant General when the new state veteran's cemetery becomes operative in September 1997. The committee is receptive to looking at this idea in the future if the aforementioned plans do not work out. Vote 15-2.

**HB 194-FN**, requiring any person erecting, installing, maintaining or exercising control over a mooring on Ossipee Lake to obtain a mooring permit from the division of safety services, department of safety. **OUGHT TO PASS**

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill requires any person erecting, installing, maintaining or exercising control over a mooring on Ossipee Lake to obtain a mooring permit from the Division of Safety Services, Department of Safety. Presently, state law requires that moorings on lakes Winnepesaukee, Winnisquam, Squam, Newfound, and Sunapee be permitted. The Resources, Recreation and Development Committee agrees with the sponsor and believes that the development of congregate mooring fields on Lake Ossipee have created a situation which warrants Lake Ossipee to be added to the list of lakes where mooring permits are required. Vote 15-0.

**HB 285**, relative to the official name of the "Old Man of the Mountain." **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Williams, Jr. for Resources, Recreation and Development: The committee recognized the importance of establishing the correct reference for one of our state's most treasured sites. Over the years, the name, "Old Man of the Mountain", has been altered to "Mountains" and/or "Man of the Mountains", etc. Since this historic site has its own recently dedicated museum at Cannon Mountain and appears on many state designations, its location and its correct name should be in statute. Vote 15-1.

#### **Amendment (0091h)**

Amend RSA 216-A:6-a as inserted by section 1 of the bill by replacing it with the following:  
216-A:6-a Old Man of the Mountain; Official Designation. Pursuant to RSA 4:43, the general court hereby designates and names the granite formation on the eastern slope of Cannon Mountain in Franconia as the "Old Man of the Mountain."

#### **AMENDED ANALYSIS**

This bill designates the official name of the granite formation on the eastern slope of Cannon Mountain in Franconia as the "Old Man of the Mountain."

**HR 11**, urging the state conservation tree-planting program to utilize members of youth groups to plant trees. **INEXPEDIENT TO LEGISLATE**

Rep. Mary Ann N. Blanchard for Resources, Recreation and Development: There is merit to the sponsor's concerns about the need for tree planting to prevent erosion and mud slides. However, New Hampshire Forestry Practices, the efforts of the Urban Forestry experts and the cooperating extension forestry agents all insure vigorous efforts to replant trees in New Hampshire with cooperation from youth groups. Vote 16-0.

**HB 424**, postponing the implementation of alternative fuel motor vehicle fleet requirements for 2 years. **OUGHT TO PASS**

Reps. Naida Kaen and Terie T. Norelli for Science, Technology and Energy: This bill delays a federally-mandated program. The federal government is behind schedule in writing the rules for its implementation. The necessary infrastructure does not yet exist and the environmental effectiveness and cost-effectiveness is questionable. Vote 14-0.

**HCR 3**, urging the United States Congress to propose and support legislation overturning a U.S. Appeals Court decision limiting credit union membership. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas A. Varrell for State-Federal Relations and Veterans Affairs: This HCR as presented was only supported by the sponsor. There were no other speakers either supporting or opposing this HCR. At this time any resolution regarding overturning the United States Appeals Court decision is premature since this decision has not yet been reviewed at all levels of the judicial pro-

cess. There remain two options open to the federally chartered credit unions: these options are either to conform to their original charter which establishes the criteria for their field of membership; or by applying for a state credit union charter establishing an expanded, reduced or similar criteria for their field of memberships. Vote 17-0.

**HB 123**, relative to reduced speed limits in school zones during school openings and closings. **OUGHT TO PASS**

Rep. Gordon E. Bartlett for Transportation: By adding the word "each" to RSA 265:60, II, it further clarifies the time period for school zone speed limits. Vote 17-0.

**HB 226**, relative to the composition of the aviation users advisory board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Milligan for Transportation: After a discussion with the Director of Aeronautics of New Hampshire and the agreement by all parties involved, the term Assistant shall be dropped, all else shall remain the same. Vote 17-0.

**Amendment (0055h)**

Amend the bill by replacing section 1 with the following:

1 Designee Authorized. RSA 21-L:8, I(g) is repealed and reenacted to read as follows:

(g) The commissioner, or designee, who shall serve as an ex officio voting member of the board.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Assistant Commissioner Changed to Commissioner or Designee. Amend RSA 21-L:8, II to read as follows:

II. Except for the [assistant] commissioner, *or designee*, board members shall serve for a term of 4 years. Board members shall not serve more than 2 consecutive terms. The board shall annually elect from among its members a chairman.

**AMENDED ANALYSIS**

This bill requires the commissioner of transportation to serve on the aviation users advisory board and authorizes the commissioner to appoint a designee.

**HB 267**, prohibiting petroleum-powered motors on Little Dan Hole Pond in the town of Ossipee. **OUGHT TO PASS**

Rep. Ralph L. Akins for Transportation: Since 1904, Little Dan Hole Pond has been the drinking water supply for Center Ossipee, and use of petroleum motors were prohibited. As of August 1996, Center Ossipee has a new source of drinking water. Little Dan Hole is a shallow pond covering 70 acres. The bottom of the pond has a high concentration of organic matter. The concern is that without the drinking water restriction against petroleum motors, the use of these motors would stir up the bottom of the pond changing the quality of the water and eco-system of the pond. This bill would replace the restrictions against petroleum powered motors that lapsed in August of 1996. Vote 17-0.

**HB 296**, relative to airways toll moneys and aircraft operating fee revenues. **OUGHT TO PASS WITH AMENDMENT**

Rep. George N. Katsakiores for Transportation: This bill, as amended, provides that one quarter of aircraft operating fee revenues shall, upon application, be paid to cities or towns aeronautical funds and used for aeronautical purposes. The remaining funds shall be deposited into the general fund. Vote 17-0.

**Amendment (0074h)**

Amend RSA 422:42, II as inserted by section 2 of the bill by replacing it with the following:

*II. Disbursements of revenue from the aircraft operating fee shall be made by the department after collection of such fees provided that one-quarter of aircraft operating fee revenues originating at a publicly or privately owned airport shall be available for public use and shall, upon application, be paid over to the aeronautical fund established for that airport and shall be used for aeronautical purposes.*

**REGULAR CALENDAR**

**HB 110**, relative to the use of and school district liability for the use of district computer systems and networks. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bernard J. Leubkert for Education: The majority of the committee saw the need for the school districts to have policies assigning legal responsibility for misuse of computer equipment. The amendment broadens the scope to allow policies to cover new technologies unforeseen today. Vote 12-3.

**Amendment (0157h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; School District Liability for Use of Computer Systems and Networks. Amend RSA 194 by inserting after section 3-c the following new section:

194:3-d School District Computer Networks.

I. Every school district which has computer systems or networks shall adopt a policy which outlines the intended appropriate and acceptable use, as well as the inappropriate and illegal use, of the school district computer systems and networks including, but not limited to, the Internet.

II. All users of a school district's computer systems or networks shall assume legal and financial liability for any intentional violation of the district's policy. For purposes of this section; "user" means any person authorized to access the school district's computer systems or networks including, but not limited to, the Internet.

2 Effective Date. This act shall take effect January 1, 1998.

**AMENDED ANALYSIS**

This bill provides that every school district shall adopt a policy relative to the use of school district computer systems and networks and that the district shall not assume any financial or legal liability for the use of such computer systems or networks by an authorized user. Such systems or networks shall include, but not be limited to, the Internet.

Adopted.

Rep. Belvin yielded to questions.

Report adopted and ordered to third reading.

**HB 230**, establishing a committee to study the school building aid system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jane O'Hearn for Education: This legislation calls for a committee to study the issues relating to the school building aid system. The amendment brings House and Senate committee membership into balance and calls for analysis of various future funding sources. Vote 16-0.

**Amendment (0067h)**

Amend the bill by replacing sections 2 and 3 with the following:

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Two members of the house education committee, appointed by the speaker of the house.

(c) Two members of the house finance committee, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall examine issues relating to the school building aid system and study various revenue sources, including a portion of the real estate transfer tax, for such purpose.

**AMENDED ANALYSIS**

This bill establishes a legislative committee to study issues relating to revising the school building aid system and study various revenue sources, including a portion of real estate transfer tax, for such purpose.

Adopted.

Report adopted and ordered to third reading.

**CACR 6**, relating to term limits for state representatives and senators. Providing that the terms of office for members of the New Hampshire house and senate shall be limited to 12 consecutive years.

**INEXPEDIENT TO LEGISLATE**

Rep. Natalie Flanagan for Election Law: This CACR was discussed and it was decided that the ballot box was still the best judge of term limits. Vote 13-2.

Rep. Cobbin requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 284 NAYS 57

### YEAS 284

#### BELKNAP

|                |                |                |                   |
|----------------|----------------|----------------|-------------------|
| Boriso, Thomas | Boyce, Robert  | Clark, Charles | Golden, Paul      |
| Laflam, Robert | Lawton, Robert | Pilliod, James | Rice, Thomas, Jr. |
| Rosen, Ralph   | Thomas, John   | Turner, Robert | Ziegler, Alice    |

#### CARROLL

|                   |                    |                |                 |
|-------------------|--------------------|----------------|-----------------|
| Chandler, Gene    | Cooper, Kipp       | Foster, Robert | Howard, Godfrey |
| Lyman, L. Randy   | MacDonald, Kenneth | Mock, Henry    | Patten, Betsey  |
| Philbrick, Donald |                    |                |                 |

#### CHESHIRE

|                    |                    |                     |                    |
|--------------------|--------------------|---------------------|--------------------|
| Bonneau, Sarah     | Champagne, Richard | Lynch, Margaret     | Lynott, Margaret   |
| Manning, Joseph    | McGuirk, Paul      | Meador, David       | Metzger, Katherine |
| Pratt, Irene       | Pratt, John        | Richardson, Barbara | Riley, William     |
| Robertson, Timothy | Royce, H. Charles  | Smith, Edwin        | Steere, Myron, III |
| Vogl, John         |                    |                     |                    |

#### COOS

|                 |                  |                 |                 |
|-----------------|------------------|-----------------|-----------------|
| Bradley, Paula  | Coulombe, Henry  | Davis, Perley   | Guay, Lawrence  |
| Horton, Lynn    | Mears, Edgar     | Merrill, Gerald | Moynihan, Wayne |
| Pratt, Leighton | Tholl, John, Jr. |                 |                 |

#### GRAFTON

|                    |                  |                        |                  |
|--------------------|------------------|------------------------|------------------|
| Almy, Susan        | Below, Clifton   | Brown, Channing        | Chase, Paul, Jr. |
| Copenhaver, Marion | Eaton, Stephanie | Guest, Robert          | Ham, Bonnie      |
| Hill, Richard      | LaMott, Paul     | Lovett, Sidney         | Luker, Elsa      |
| Nordgren, Sharon   | Trelfa, Richard  | Williams, William, Jr. |                  |

#### HILLSBOROUGH

|                    |                            |                        |                         |
|--------------------|----------------------------|------------------------|-------------------------|
| Ackerman, Philip   | Allen, W. Gordon           | Alukonis, David        | Arnold, Thomas, Jr.     |
| Asselin, Robert    | Baroody, Benjamin          | Barry, William, III    | Belvin, William         |
| Bergin, Peter      | Bernier, Shannon           | Boutin, David          | Brundige, Robert        |
| Burke, M. Virginia | Calawa, Leon, Jr.          | Cardin, Lori           | Carlson, Donald         |
| Carney, Lauren     | Chabot, Robert             | Clemons, Jane          | Cote, Peter             |
| Daigle, Robert     | Daniels, Gary              | Dokmo, Cynthia         | Drabinowicz, A. Theresa |
| Dwyer, Paul, Sr.   | Dyer, Merton               | Emerton, Lawrence, Sr. | Fenton, James           |
| Ferguson, Charles  | Fields, Dennis             | Foster, Joseph         | Foster, Linda           |
| Ginsburg, Ruth     | Haettenschwiller, Alphonse | Haley, Robert          | Hansen, Herbert         |
| Hart, Nick         | Herman, Keith              | Holden, Carol          | Holley, Sylvia          |
| Hunter, Bruce      | Jean, Loren                | Johnson, Lionel        | Kelley, Robert          |
| Kelly, Michael     | L'Heureux, Robert          | LaRose, Richard        | Lefebvre, Roland        |
| Leishman, Peter    | Leonard, Peter             | Lozeau, Donnalee       | Lynde, Harold           |
| MacAuslan, Rita    | MacIntyre, Doris           | Marcinkowski, Michael  | Martin, Mary            |
| McCarthy, William  | McCarty, Winston           | Melcher, Harold        | Mercer, Robert          |
| Messier, Irene     | Milligan, Robert           | Mittelman, David       | Morello, Michael        |
| Murphy, Robert     | Pepino, Leo                | Perkins, Paul          | Peterson, Andrew        |
| Reidy, Frank       | Riley, Frances             | Sargent, Maxwell       | Searles, Stanley, Sr.   |
| Thulander, O. Alan | Turgeon, Roland            | Vaillancourt, Steve    | Welch, Donald           |
| Wheeler, Robert    | White, Donald              | Williams, Carol        | Wright, George          |

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
Feuerstein, Martin  
Hess, David  
Lockwood, Robert  
Nichols, Avis  
Seldin, Gloria  
Whalley, Michael

Chandler, Earle  
Crowell, Peter  
Fraser, Marilyn  
Hoadley, Elizabeth  
Marshall, Kenneth  
Owen, Derek  
St. Cyr, Gerard  
Whittemore, James

Colburn, Kathleen  
DeStefano, Stephen  
French, Barbara  
Jacobson, Alf  
Moore, Carol  
Pflaff, Terence  
Wallin, Jean  
Yeaton, Charles

Colburn, Thomas  
Dunn, Miriam  
Gile, Mary  
Krueger, Patricia  
Morrill, Olive  
Reardon, Tara  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
Belanger, Ronald  
Carson, Gregory  
Coes, Betsy  
Dowd, Sandra  
Felch, Charles, Sr.  
Francoeur, Sheila  
Heath, John  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McGovern, Cynthia  
Norelli, Terie  
Packard, Sherman  
Sabella, Norma  
Stone, Joseph  
Verani, Giovanni

Aranda, M. Kathryn  
Bishop, Franklin  
Case, Margaret  
Dearborn, Bruce  
Downing, Michael  
Fesh, Robert  
Frechette, Joseph  
Henderson, Warren  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
McKinney, Betsy  
Nowe, Ronald  
Pantelakos, Laura  
Schanda, Frank  
Tufts, J. Arthur  
Weatherspoon, Jackie

Arndt, Janet  
Blanchard, MaryAnn  
Cegelis, Mark  
Dodge, Robert  
Dube, LeRoy  
Flanagan, Natalie  
Gibbons, Paul  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langley, Jane  
Malcolm, Kenneth  
Micklon, Stephanie  
Noyes, Richard  
Raynowska, Bernard  
Simmons, John Anthony  
Varrell, Thomas  
Welch, David

Beaulieu, Jon  
Camm, Kevin  
Clark, Martha  
Dolan, Richard  
Dunham, Vivian  
Flanders, John, Sr.  
Guthrie, Joseph  
Johnson, Robert  
Kelley, Jane  
Langone, John  
McCarthy, John, Jr.  
Mikowski, Walter  
O'Keefe, Patricia  
Rubin, George  
Stickney, Nancy  
Vaughn, Charles  
Woods, Deborah

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Kaen, Naida  
McCann, William, Jr.  
Musler, George  
Smith, Marjorie  
Torr, Ann  
Vachon, Dennis

Bickford, David  
Dunlap, Patricia  
Keans, Sandra  
McKinley, Robert  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Vincent, Francis

Brennan, William  
Estabrook, Iris  
Knowles, William  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Tsiros, William  
Wall, Janet

Brown, George  
Hemon, Roland  
Lundborn, Raymond  
Merritt, Deborah  
Rollo, Michael  
Taylor, Kathleen  
Twardus, Joseph

**SULLIVAN**

Allison, David  
Ferland, Brenda  
Lindblade, Eric

Burling, Peter  
Flint, Gordon  
Schotanus, Merle

Cloutier, John  
Krueger, Richard  
Wiggins, Celestine

Donovan, Thomas  
Leone, Richard

**NAYS 57****BELKNAP**

Salatiello, Thomas

**CARROLL**

Babson, David, Jr.

Bradley, Jeb

Kenney, Joseph

**CHESHIRE**

Hunt, John

Russell, Ronald

**COOS**

Coulombe, Yvonne

St. Hilaire, Paul

**GRAFTON**

|                |                  |                |               |
|----------------|------------------|----------------|---------------|
| Akins, Ralph   | Alger, John      | Cobbin, Philip | Hinman, Harry |
| MacNeil, Allen | Phinney, William | Root, John     | Weber, Phil   |

**HILLSBOROUGH**

|                     |                  |                       |                    |
|---------------------|------------------|-----------------------|--------------------|
| Batula, Peter       | Briefs, Geoffrey | Buckley, Raymond      | Clegg, Robert, Jr. |
| Desrosiers, William | Durham, Susan    | Feng, David           | Flora, Kathleen    |
| Gagnon, Eugene      | Golding, William | Goulet, Maurice       | Jean, Claudette    |
| Letendre, Evelyn    | Luebker, Bernard | MacGillivray, Jeffrey | McGough, Tim       |
| McRae, Karen        | Murch, George    | O'Hearn, Jane         | Sullens, Joan      |

**MERRIMACK**

|                |                 |                   |                  |
|----------------|-----------------|-------------------|------------------|
| Adams, Stephen | Brown, Mary     | Daneault, Gabriel | Hager, Elizabeth |
| Langer, Ray    | Larrabee, David | Lavoie, Gerard    | Leber, William   |
| Maxfield, Roy  |                 |                   |                  |

**ROCKINGHAM**

|                  |                   |                 |              |
|------------------|-------------------|-----------------|--------------|
| Cooney, Richard  | Morris, Debbie    | Reardon, Neil   | Smith, Kevin |
| Stritch, Charles | Syracusa, Anthony | Weyler, Kenneth |              |

**STRAFFORD**

|                  |                |
|------------------|----------------|
| Callaghan, Frank | Hilliard, Dana |
|------------------|----------------|

**SULLIVAN**

|               |               |                  |
|---------------|---------------|------------------|
| Adler, Rudolf | Kibbey, David | Palmer, Lorraine |
|---------------|---------------|------------------|

and the report was adopted.

Rep. Hurt did not vote and wished to be recorded against.

Rep. Teschner did not vote and wished to be recorded in favor.

**CACR 7**, relating to term limits for United States Representatives and Senators. Providing that the terms of office for the members of the United States Congress from New Hampshire shall be limited to 12 consecutive years, so long as such restriction does not violate the United States Constitution. **INEXPEDIENT TO LEGISLATE**

Rep. Natalie Flanagan for Election Law: This CACR has been ruled unconstitutional by the Supreme Court. It is up to members of the Congress and U.S. Senate to vote to change this. Vote 13-2.

Adopted.

**HB 362**, creating a cause of action for civil damages for noncompliance with minimum housing standards. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin H. Smith for Judiciary and Family Law: The committee feels that adequate provisions already exist in current law giving tenants the ability to obtain relief. Additionally, we feel the monetary penalty may open the landlord up to frivolous litigation. Vote 10-8.

Adopted.

**HB 279**, relative to elderly exemptions from the property tax. **INEXPEDIENT TO LEGISLATE**  
Rep. Stephen G. Avery for Local and Regulated Revenues: The few dollars that local communities may receive if this bill were adopted would be more than offset by the increased administrative burden and costs that would be required. It would also complicate the process for setting local property tax rates because the April 1<sup>st</sup> town-wide valuation, on which the rate is based, could and often would change right up to the date the DRA set the tax rate if this were law. Vote 14-0.

Adopted.

**HB 489-L**, requiring an annual cost of living adjustment for elderly exemptions to the property tax. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Local and Regulated Revenues: A completely revised elderly exemption will be voted on at local meetings in 1997 and will go into effect on Jan. 1, 1998. It allows municipalities to tailor the exemption to the needs of their individual communities. The committee believes that the new statute should be allowed to work before more changes are proposed. Vote 13-0.

Adopted.

**HB 148**, prohibiting a member of the state board of education from simultaneously serving as a state representative or senator. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth W. Malcolm for Legislative Administration: This bill singles out membership on one specific major policy board while other board memberships are not involved. Therefore, this bill is voted inexpedient. Vote 10-5.

Rep. Champagne spoke against and yielded to questions.

Rep. Channing Brown spoke in favor.

On a division vote, 209 members having voted in the affirmative and 139 in the negative, the report was adopted.

Rep. Musler declared a conflict of interest and did not participate.

**SB 108**, authorizing school boards of multi-town school districts which have adopted the official ballot referendum form of meeting to establish polling places in addition to the districts' central polling places for the 1997 and 1998 annual meetings. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundige for Municipal and County Government: The majority of the committee feels that this bill enables the SB2 multi-district school district to allow the voters the opportunity in 1997 and 1998 to vote in their home districts to enable more voters to participate which was the original intent of SB2. Vote 12-4.

Rep. Paul A. McGuirk for the Minority of Municipal and County Government: The minority of the Municipal and County Government Committee believes that a multi-town school district should follow the same law as a town and seek voter approval before creating additional polling places (RSA 658:10) SB 108 is an attempt to circumvent voter participation in the decision making process and allows an elected board to expend scarce funds from existing educational programs for purposes which were not voted and approved by the voters.

#### **Amendment (0192h)**

Amend the bill by replacing section 1 with the following:

1 Additional Polling Places for Multi-Town School Districts for 1997 and 1998 Annual Meetings. To facilitate voting for the second session of 1997 and 1998 annual or special meetings only, the governing body of a multi-town school district which has adopted the official ballot referendum form of meeting may authorize the establishment of additional polling places within the district to best accommodate the voters. The school district moderator shall supervise the election process and appoint an assistant moderator for each additional polling place and the school district clerk shall appoint an assistant clerk for each additional polling place. Each assistant moderator and assistant clerk shall have their domicile in the town covered by the additional polling place where they will serve. The powers and duties of the assistant moderator and the assistant clerk shall be the same as those of the moderator and the clerk at the central polling place except as otherwise provided in the election laws. The inspectors of elections appointed as provided in RSA 658:2 shall be sworn in by the assistant moderator before entering upon their duties. All additional costs resulting from the establishment of additional polling places shall be borne by the school district. Adopted.

Rep. McGuirk spoke against and yielded to questions.

Reps. Brundige and Jeb Bradley spoke in favor and yielded to questions.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 265 NAYS 87**

**YEAS 265**

**BELKNAP**

Boriso, Thomas  
Hurt, George  
Pilliod, James  
Turner, Robert

Boyce, Robert  
Laffam, Robert  
Rice, Thomas, Jr.

Clark, Charles  
Lawton, David  
Rosen, Ralph

Golden, Paul  
Lawton, Robert  
Thomas, John

**CARROLL**

|                        |                    |                 |                |
|------------------------|--------------------|-----------------|----------------|
| Babson, David, Jr.     | Bradley, Jeb       | Chandler, Gene  | Cooper, Kipp   |
| Dickinson, Howard, Jr. | Foster, Robert     | Howard, Godfrey | Kenney, Joseph |
| Lyman, L. Randy        | MacDonald, Kenneth | Mock, Henry     | Patten, Betsey |
| Philbrick, Donald      |                    |                 |                |

**CHESHIRE**

|                     |                    |                    |                 |
|---------------------|--------------------|--------------------|-----------------|
| Bonneau, Sarah      | Hunt, John         | Lynch, Margaret    | Manning, Joseph |
| McNamara, Wanda     | Meador, David      | Metzger, Katherine | Pratt, John     |
| Richardson, Barbara | Robertson, Timothy | Royce, H. Charles  | Smith, Edwin    |
| Steere, Myron, III  |                    |                    |                 |

**COOS**

|                  |                 |                 |                   |
|------------------|-----------------|-----------------|-------------------|
| Coulombe, Yvonne | Davis, Perley   | Guay, Lawrence  | Horton, Lynn      |
| Merrill, Gerald  | Moynihan, Wayne | Pratt, Leighton | St. Hilaire, Paul |
| Tholl, John, Jr. |                 |                 |                   |

**GRAFTON**

|                    |                  |                  |                        |
|--------------------|------------------|------------------|------------------------|
| Akins, Ralph       | Alger, John      | Almy, Susan      | Below, Clifton         |
| Brown, Channing    | Chase, Paul, Jr. | Cobbin, Philip   | Eaton, Stephanie       |
| Guaraldi, Lawrence | Ham, Bonnie      | Hill, Richard    | Hinman, Harry          |
| MacNeil, Allen     | Mirski, Paul     | Phinney, William | Root, John             |
| Teschner, Douglass | Trelfa, Richard  | Weber, Phil      | Williams, William, Jr. |

**HILLSBOROUGH**

|                        |                         |                            |                     |
|------------------------|-------------------------|----------------------------|---------------------|
| Ackerman, Philip       | Allen, W. Gordon        | Alukonis, David            | Arnold, Thomas, Jr. |
| Batula, Peter          | Belvin, William         | Bergin, Peter              | Boutin, David       |
| Briefs, Geoffrey       | Brundige, Robert        | Buckley, Raymond           | Burke, M. Virginia  |
| Calawa, Leon, Jr.      | Carlson, Donald         | Carney, Lauren             | Chabot, Robert      |
| Christiansen, Lars     | Clegg, Robert, Jr.      | Daniels, Gary              | Desrosiers, William |
| Dokmo, Cynthia         | Drabinowicz, A. Theresa | Durham, Susan              | Dyer, Merton        |
| Emerton, Lawrence, Sr. | Feng, David             | Fenton, James              | Ferguson, Charles   |
| Fields, Dennis         | Flora, Kathleen         | Foster, Joseph             | Gagnon, Eugene      |
| Golding, William       | Goulet, Maurice         | Haettenschwiller, Alphonse | Hansen, Herbert     |
| Herman, Keith          | Holden, Carol           | Holley, Sylvia             | Hunter, Bruce       |
| Jean, Loren            | Johnson, Lionel         | Kelley, Robert             | Kurk, Neal          |
| L'Heureux, Robert      | LaRose, Richard         | Leishman, Peter            | Letendre, Evelyn    |
| Lozeau, DonnaLee       | Luebker, Bernard        | Lynde, Harold              | MacAuslan, Rita     |
| MacGillivray, Jeffrey  | MacIntyre, Doris        | Marcinkowski, Michael      | Martin, Mary        |
| McCarty, Winston       | McGough, Tim            | McRae, Karen               | Mercer, Robert      |
| Messier, Irene         | Milligan, Robert        | Mittelman, David           | Morello, Michael    |
| Murch, George          | Murphy, Robert          | O'Hearn, Jane              | Pepino, Leo         |
| Perkins, Paul          | Peterson, Andrew        | Riley, Frances             | Sargent, Maxwell    |
| Searles, Stanley, Sr.  | Sullens, Joan           | Thulander, O. Alan         | Turgeon, Roland     |
| Vaillancourt, Steve    | Welch, Donald           | Wheeler, Robert            | White, Donald       |
| Wright, George         |                         |                            |                     |

**MERRIMACK**

|                   |                    |                    |                  |
|-------------------|--------------------|--------------------|------------------|
| Adams, Stephen    | Anderson, Eric     | Brown, Mary        | Chandler, Earle  |
| Colburn, Kathleen | Colburn, Thomas    | Crosby, Toni       | Crowell, Peter   |
| Daneault, Gabriel | DeStefano, Stephen | Feuerstein, Martin | French, Barbara  |
| Hager, Elizabeth  | Hess, David        | Hoadley, Elizabeth | Jacobson, Alf    |
| Krueger, Patricia | Langer, Ray        | Larrabee, David    | Lavoie, Gerard   |
| Leber, William    | Lockwood, Robert   | Marshall, Kenneth  | Maxfield, Roy    |
| Morrill, Olive    | Nichols, Avis      | Pfaff, Terence     | Whalley, Michael |
| Whittemore, James |                    |                    |                  |

# ROCKINGHAM

|                     |                    |                       |                      |
|---------------------|--------------------|-----------------------|----------------------|
| Abbott, Dennis      | Aranda, M. Kathryn | Arndt, Janet          | Beaulieu, Jon        |
| Belanger, Ronald    | Bishop, Franklin   | Camm, Kevin           | Carson, Gregory      |
| Case, Margaret      | Cegelis, Mark      | Christie, Andrew, Jr. | Cooney, Richard      |
| Cushing, Robert     | Dearborn, Bruce    | Dodge, Robert         | Dowd, Sandra         |
| Downing, Michael    | Dube, LeRoy        | Dunham, Vivian        | Fesh, Robert         |
| Flanagan, Natalie   | Flanders, David    | Flanders, John, Sr.   | Francoeur, Sheila    |
| Frechette, Joseph   | Gibbons, Paul      | Guthrie, Joseph       | Heath, John          |
| Henderson, Warren   | Johnson, Robert    | Katsakiores, George   | Katsakiores, Phyllis |
| Kelley, Jane        | Klemm, Arthur, Jr. | Kobel, Rudolph        | Langley, Jane        |
| Langone, John       | Letourneau, Robert | Major, Norman         | Malcolm, Kenneth     |
| McCarthy, John, Jr. | McKinney, Betsy    | Mikowski, Walter      | Morris, Debbie       |
| Norelli, Terie      | Nowe, Ronald       | Noyes, Richard        | O'Keefe, Patricia    |
| Packard, Sherman    | Raynowska, Bernard | Reardon, Neil         | Rubin, George        |
| Sabella, Norma      | Schanda, Frank     | Simmons, John Anthony | Smith, Kevin         |
| Stickney, Nancy     | Stone, Joseph      | Stritch, Charles      | Syracusa, Anthony    |
| Tufts, J. Arthur    | Varrell, Thomas    | Verani, Giovanni      | Welch, David         |
| Weyler, Kenneth     | Woods, Deborah     |                       |                      |

# STRAFFORD

|                  |                 |                  |                  |
|------------------|-----------------|------------------|------------------|
| Berube, Roger    | Bickford, David | Brown, George    | Brown, Julie     |
| DeChane, Marlene | Kaen, Naida     | Knowles, William | McKinley, Robert |
| Merritt, Deborah | Musler, George  | Smith, Marjorie  | Torr, Franklin   |
| Twardus, Joseph  |                 |                  |                  |

# SULLIVAN

|                  |                |                 |                  |
|------------------|----------------|-----------------|------------------|
| Adler, Rudolf    | Cloutier, John | Ferland, Brenda | Kibbey, David    |
| Krueger, Richard | Leone, Richard | Lindblade, Eric | Schotanus, Merle |

# NAYS 87

# BELKNAP

|                  |                    |               |
|------------------|--------------------|---------------|
| Holbrook, Robert | Salatiello, Thomas | Ziegra, Alice |
|------------------|--------------------|---------------|

# CARROLL

None

# CHESHIRE

|                    |                  |               |              |
|--------------------|------------------|---------------|--------------|
| Champagne, Richard | Lynott, Margaret | McGuirk, Paul | Pratt, Irene |
| Riley, William     | Russell, Ronald  | Vogl, John    |              |

# COOS

|                |                 |              |
|----------------|-----------------|--------------|
| Bradley, Paula | Coulombe, Henry | Mears, Edgar |
|----------------|-----------------|--------------|

# GRAFTON

|                    |                  |              |                |
|--------------------|------------------|--------------|----------------|
| Copenhaver, Marion | Guest, Robert    | LaMott, Paul | Lovett, Sidney |
| Luker, Elsa        | Nordgren, Sharon |              |                |

# HILLSBOROUGH

|                   |                     |                  |                  |
|-------------------|---------------------|------------------|------------------|
| Asselin, Robert   | Barry, William, III | Bernier, Shannon | Cardin, Lori     |
| Clemons, Jane     | Cote, Peter         | Daigle, Robert   | Dwyer, Paul, Sr. |
| Foster, Linda     | Ginsburg, Ruth      | Haley, Robert    | Hart, Nick       |
| Jean, Claudette   | Kelly, Michael      | Lefebvre, Roland | Leonard, Peter   |
| McCarthy, William | Melcher, Harold     | Reidy, Frank     | Williams, Carol  |

# MERRIMACK

|                    |                 |                 |              |
|--------------------|-----------------|-----------------|--------------|
| Dunn, Miriam       | Gile, Mary      | Moore, Carol    | Owen, Derek  |
| Reardon, Tara      | Seldin, Gloria  | St. Cyr, Gerard | Wallin, Jean |
| Wallner, Mary Jane | Yeaton, Charles |                 |              |

**ROCKINGHAM**

|                     |                 |                      |                    |
|---------------------|-----------------|----------------------|--------------------|
| Blanchard, MaryAnn  | Clark, Martha   | Coes, Betsy          | Dolan, Richard     |
| Hutchinson, Rebecca | Kane, Cecelia   | McGovern, Cynthia    | Micklon, Stephanie |
| Pantelakos, Laura   | Vaughn, Charles | Weatherspoon, Jackie |                    |

**STRAFFORD**

|                      |                  |                   |                    |
|----------------------|------------------|-------------------|--------------------|
| Brennan, William     | Callaghan, Frank | Dunlap, Patricia  | Estabrook, Iris    |
| Hemon, Roland        | Hilliard, Dana   | Keans, Sandra     | Lundborn, Raymond  |
| McCann, William, Jr. | Merrill, Amanda  | Pelletier, Arthur | Rogers, Rose Marie |
| Rollo, Michael       | Snyder, Clair    | Sullivan, Henry   | Taylor, Kathleen   |
| Torr, Ann            | Tsiros, William  | Vachon, Dennis    | Vincent, Francis   |
| Wall, Janet          |                  |                   |                    |

**SULLIVAN**

|                  |                    |                 |               |
|------------------|--------------------|-----------------|---------------|
| Allison, David   | Burling, Peter     | Donovan, Thomas | Flint, Gordon |
| Palmer, Lorraine | Wiggins, Celestine |                 |               |

and the report was adopted.

Ordered to third reading.

**HB 214**, relative to forest product purchasers and loggers. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE

Rep. Peter O. Crowell for the Majority of Resources, Recreation and Development: New Hampshire's Forest Resources Plan is an attempt by the industry to regulate itself by promoting good forestry practices such as supporting New Hampshire's Certified Professional Logger program; promoting free enterprise, market solutions to achieve sustainable forest management; encouraging wood-using industries to assert greater positive influence over the forest practices used to harvest wood they purchase. This bill undermines efforts by industry to police itself by insisting forest product purchasers cannot be selective in making their raw material purchases from whom they choose. Vote 11-5.

Rep. Rep. William E. Williams, Jr. for the Minority of Resources, Recreation and Development: This bill attempts to correct a possible discriminatory practice to be instituted by a major paper manufacturer. They have indicated their intention not to procure wood products from any uncertified logger. The logger certification program is an excellent one and is voluntary, not mandatory. By instituting this practice, the paper company has created a serious breach between itself and the independent logger. The minority believes this problem can be rectified by the committee through discussion with all parties and can resolve any existing negative feelings if this bill is re-referred. Majority report adopted.

**REVENUE ESTIMATES**

Rep. Weyler spoke on Revenue Estimates and yielded to questions.

**Clerk's note:** The Revenue Estimates are contained in House Resolution No. 19 and are printed in the Journal dated February 19, 1997.

**RESOLUTION**

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 797 through 799, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 797**, requiring emergency vehicles to stop for school buses, and requiring the use of both audible and visual emergency signals, in certain circumstances. (Cooper, Carr 2; Connolly, Graf 1; Dickinson, Carr 2; Lyman, Carr 5; Asselin, Hills 47; Johnson, Dist 3: Transportation)

**HB 798**, relative to the bonding requirement for health clubs. (Connolly, Graf 1: Commerce)

**HB 799**, regulating the sale of insurance by financial institutions. (Herman, Hills 13; Crosby, Merr 20: Commerce)

## RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 13, 1997 at 10:00 a.m. Adopted.

## LATE SESSION

### Third reading and final passage

**HB 325**, eliminating the correctional industries advisory board.

**HB 154-L**, defining "legal resident" for purposes of school attendance.

**HB 219**, repealing provisions relative to literacy instruction and the committee to study literacy and remedial instruction.

**HB 205-L**, relative to special ballots for unorganized places.

**HB 321**, correcting a reference to the American Podiatry Association.

**HB 331**, adopting the uniform foreign depositions law.

**HB 341**, relative to filing lucky 7 applications with the sweepstakes commission.

**HB 349**, repealing certain pari-mutuel laws relative to racing funds, disbursements of the funds, and records of receipts.

**HB 210**, requiring that an applicant to a planning or zoning board wishing to subdivide property supply the names of holders of conservation, preservation, or agricultural preservation restrictions on the subdivision property, who will then be notified by the board.

**HB 215**, relative to taxation of discretionary easements.

**HB 194-FN**, requiring any person erecting, installing, maintaining or exercising control over a mooring on Ossipee Lake to obtain a mooring permit from the division of safety services, department of safety.

**HB 285**, relative to the official name of the "Old Man of the Mountain."

**HB 424**, postponing the implementation of alternative fuel motor vehicle fleet requirements for 2 years.

**HB 123**, relative to reduced speed limits in school zones during school openings and closings.

**HB 226**, relative to the composition of the aviation users advisory board.

**HB 267**, prohibiting petroleum-powered motors on Little Dan Hole Pond in the town of Ossipee.

**HB 296**, relative to airways toll moneys and aircraft operating fee revenues.

**HB 110**, relative to the use of and school district liability for the use of district computer systems and networks.

**HB 230**, establishing a committee to study the school building aid system.

**SB 108**, authorizing school boards of multi-town school districts which have adopted the official ballot referendum form of meeting to establish polling places in addition to the districts' central polling places for the 1997 and 1998 annual meetings.

## RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 2:55 p.m.

## RECESS

### (Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 7

Thursday, February 13, 1997

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Representative Eric Lindblade.

God of the valleys as well as the hills. Give to us strength of conscience so that in all that we do, we stand for the right. Banish thoughts of convenience, convention and conformity from our minds. Free us from fear of taking new paths and may the laws we promulgate grant us the accolade, well done thou good and faithful servant. Amen.

Rep. Brundige led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Battles-Peirce, Julie Brown, Burney, Burnham, Clay, Patricia Cote, DePecol, Dunn, Beverly Gage, Gosselin, Hawkinson, Lefebvre, Lovejoy, Morello, O'Connell, Marsha Pelletier and Paul Taylor, the day, illness.

Reps. Ameen, Arndt, Asselin, Avery, Barry, Bartlett, Clemons, David Cote, Dawe, Ruth Gage, Griffin, Hoadley, Holt, Lessard, Lundborn, MacAuslan, Millard, James McDonald, Morris, Pfaff, Spear, Steere, Ann Torr, Veazey and Whittemore, the day, important business.

Reps. Frechette and Piteri, the day, illness in the family.

### INTRODUCTION OF GUESTS

Patti Grady, guest of Reps. Bergin, Belvin, Dokmo and Holden. Members of the 1997 class of Leadership New Hampshire, guests of Speaker Sytek. Page Sutcliffe and Donna O'Hanian, guests of Rep. Donald White.

### VACATE

Rep. Belvin moved that the House vacate the reference to the Committee on Education of **HB 625**, establishing heightened criminal penalties for threatening for assaulting a teacher.

Adopted and referred to Criminal Justice and Public Safety.

### RESOLUTION

Reps. Wheeler and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of hearing Governor Jeanne Shaheen deliver her budget message.

Adopted.

### RECESS

### SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing Governor Jeanne Shaheen deliver her budget message.

### JOINT CONVENTION

(Speaker Sytek presiding)

Executive Councilors Spaulding Griffin and Normand joined the Joint Convention.

Her Excellency, Governor Jeanne Shaheen, addressed the Joint Convention.

Madam Speaker, Mr. President, Honorable members of the Governor's Council and the House and the Senate, my fellow citizens of New Hampshire.

Before I begin my formal remarks this morning, I am very pleased to make an announcement. I am very pleased to announce that late yesterday afternoon the teams that have been negotiating the new contract for state employees reached an agreement. The agreement will cover the majority of state employees. Under the rules of collective bargaining I am not able to announce the details of the agreement. But, I can tell you that I believe that it is a good deal for both sides on all of the issues under consideration. I can also tell you that I believe the budget that I am submitting this

morning will support the agreement that has been reached. I want to congratulate the state negotiating team headed by Tom Manning. That team included Jeff Rafn, Doug Patch, John Ratoff and Barbara Reid. I also want to congratulate Ward Freeman, Charles Coombs and the rest of the state employee bargaining team. I hope you will join me in giving them all a round of applause. I also want to announce, before I go further - or want to recognize - those people who have worked so hard to put this budget together. First of all, my team who have been working since shortly after the election, mostly in a volunteer capacity, to help put together a budget. They are here this morning: Ralph Brickett who has served with the last nine governors - Ralph is standing up in the balcony. Actually, I will ask that you hold the applause to the end, although Ralph sort of deserves his own applause, I think. Anybody who can stay here through nine governors deserves a round of applause. And then there are Pat Oliver who was the budget director for Judd Gregg; Ned Densmore, who is a former state legislator and served on the House Appropriations Committee; and of course, my budget director, Charlie Connor. I have to tell you I got very nervous at one point when we were working on the budget because Don Hill talked about my liberal budget team. For those of you that remember Pat Oliver, Ralph Brickett and Ned Densmore, I wouldn't exactly call them a liberal budget team. I also want to recognize and thank Commissioner Don Hill and his dedicated staff at Administrative Services. They have worked nights and weekends, put in very long hours to make this budget possible and I hope you would join me in giving them a round of applause.

I come to this Chamber as a parent and former teacher who understands the importance of education. I come to this Chamber as a former owner of a small business who understands the importance of meeting a payroll and balancing a budget. I come to this Chamber as a former State Senator who has worked with you to address the challenges facing our state. I know what a difficult task is before you. Today, I come to this Chamber as a Governor who is making the tough choices with a clear eye on the bottom line. Today I am presenting a budget that I believe refocuses our priorities and invests in New Hampshire's future.

This is a balanced budget. In fact, this budget has a surplus. As promised, we have balanced the budget without a broad-based sales or income tax. This is an honest budget and this is a responsible budget. We inherited a \$37 million deficit. We have confronted and closed that deficit. This budget is based on sound fiscal policy. It not only eliminates the budget deficits of the past two years, but it also closes the structural deficit between revenues and expenditure. This is a budget that begins with honoring our existing commitments. Without our action to close the deficit, the financial rating agencies have suggested that our state's bond rating could be in jeopardy and we could face higher borrowing costs. This budget should reassure the rating agencies that we have restored integrity to the budget process.

This is a realistic budget. Too often in recent years our budgets have failed to address some of the very real needs of our state and our citizens. Too often, we have not recognized the difference between spending and investing. This is a budget that recognizes that we need to hold the line on spending but we must invest in New Hampshire's future. When agency and department heads came to me with their budget requests, I cut more than \$100 million from those requests and I held the line on spending. There is not one new program in this budget. And at the end of the upcoming biennium, there will be fewer positions in state government than at the end of the current biennium.

But this budget also recognizes that we must invest in New Hampshire's future: in our children, in the allure of our natural beauty, in the roads and bridges that are the lifeline of our state's economy and in helping our businesses to grow and create good jobs. For example, this budget recognizes that it makes sense to invest in promotion and advertising for tourism. For every dollar we invest in our tourism industry, we get \$7 in return to our economy. That is why we are investing \$100,000 in each year of this budget to promote New Hampshire internationally and to make New Hampshire a destination for people, not just from other states, but from other countries. But I know we need to do more. In the next few weeks we will be working with the tourism industry and state officials to develop new ways to significantly increase our efforts to promote and market our great state.

As with our operating budget, our capital budget focuses on funding our existing commitments. The Brown building at the State Hospital is a good example. To date, the State has invested almost \$8 million in this renovation project. But we cannot move a single state employee into the Brown building until we build a parking garage. My capital budget fulfills that commitment. I think that is common sense. This operating budget also recognizes that it makes sense to invest in the roads and bridges that are the economic lifeline of our state. New Hampshire now ranks near the bottom in the nation in the condition of our roads and bridges. At the rate we're going, our ten-year high-

way plan is going to take 20 years to complete. To reverse this trend, this budget invests the entire existing \$30 million highway fund surplus directly into construction of roads and bridges. In the next biennium, we propose to spend an additional \$10 million from that fund in each year for projects in our ten-year highway plan. Furthermore, instead of the "soft" money that we have used in the past to match federal dollars, I am proposing that we match federal funds with real "hard" state dollars to generate the maximum amount of construction possible. That investment will allow us to accelerate projects in the ten-year plan. In Manchester, for example, this will mean critical resurfacing, safety improvements and bridge repairs on I-93, four years ahead of schedule. In Northwood, for all of us who drive Route 4, this will improve the intersection of Routes 4, 202 and 43 a year early. In Henniker, it will help with bridge repair and rehabilitation on Route 114 over the Contoocook River. We are also adding \$4 million from the highway fund each year for the Betterment Program to resurface approximately 250 more miles of roads. That would double the effort currently planned for 1997. We are increasing assistance to local communities to help them repair and replace aging bridges. This budget includes an additional \$3.5 million each year to replace so-called "red list" bridges, those bridges in need of critical repair.

This budget not only improves our roads, but makes our streets safer from crime. To confront juvenile crime, we are addressing the historical shortage in basic operating expenses and space for Youth Development Services. I'm going to digress from my text a little bit, because one of the things that I was amazed about as we went through the budget is to learn that in past years, we have not budgeted a line for utility expenses at the Youth Development Center. We know we have to pay it, but we have not been willing to be honest and say that that is a cost we must incur let's budget it and let's pay it. That is in this budget. Our capital budget includes funding for restoring Pine Crest Cottage at the Youth Development Center to provide space for additional juvenile offenders. To prevent young adult offenders from becoming career criminals, we are investing in the Pathways Program that provides inmates with a rigorous and intensive program of technical education, substance abuse treatment, counseling and job training. We have also added three criminologists with expertise in DNA analysis to make sure law enforcement has the most advanced technology available.

Reflecting the lower welfare caseloads, this budget reduces the rate of growth at Health and Human Services. Although welfare caseloads are decreasing, we are expanding child care and job training assistance to help people get the support they need to go back to work and to stay working. And, yes, we are increasing our investment in home-based care for the developmentally disabled by \$4.8 million so that we can finally reduce the waiting list for services. This budget also provides incentives to shift from nursing home services to home-and-community-based care so that more of our elderly can stay in their homes and in their neighborhoods and maintain their independence and their dignity.

Now, as you know, the court system is exempt from complying with the Governor's budget request. However, I believe that the courts' requested level of funding can be reduced in each year and still allow for sufficient levels of growth. In addition, I will be working with the court system in the coming weeks to develop a strategy to address the backlog in the Manchester and Nashua District Courts, and to address that backlog without adding new judges, without adding new positions. I believe we don't need additional judges in order to address the problems in those courts.

We also recognize that the burden of local property taxes is putting too much pressure on the pocketbooks of many New Hampshire families. This budget sends more money back to New Hampshire's cities and towns. I don't know if all of you can see the pie chart that very graphically demonstrates the change in funding going back to cities and towns in this budget. This budget sends more money back to cities and towns — nearly \$68 million more during the next two years — much of it to help improve our schools.

And that is the hallmark of this budget. This budget is about education. It is about investing in New Hampshire's kids and investing in New Hampshire's future. There is simply nothing more important. That is why I have increased total state education funding in this budget by 40 percent. If we are going to compete in the global economy of the future, we must invest in education. Over the past decade, the gap between the rich and the poor has increased dramatically. Education is the key to future earnings capacity. The average high school graduate earns \$16,800 a year. With an associate's degree, income increases to \$24,000 a year. With a bachelor's degree, income increases to \$31,200 a year. If we are going to have the trained and skilled work force we need to compete in the future, New Hampshire must invest in education.

That investment begins with kindergarten. We must make kindergarten available to every five-year old in New Hampshire. We must keep that promise. Kindergarten changes lives. The facts are clear. Kindergarten improves the chances that children will do well in school and later in life. Kindergarten helps keep our kids in school. Children who attend kindergarten repeat grades less often. They are more likely to graduate from High School and they are less likely to become juvenile delinquents. Public kindergarten is a good investment.

Today I am proposing a kindergarten program to help every school district pay the cost of public kindergarten. I plan to double the current level of aid by sending \$1,000 per child to each and every school district for kindergarten. This plan would make over \$20 million available to our local school districts over the next two years. This program will make an enormous difference to cities and towns across New Hampshire. In communities without kindergarten, the plan will provide an incentive to start new kindergarten programs. In Dover it could mean \$300,000 for kindergarten; in Hudson it could mean \$415,000; and in Milford, more than \$245,000. In communities currently offering public kindergarten, this plan will provide much-needed relief. For Manchester it will mean more than \$1.1 million and for Nashua, more than \$1 million.

Most school districts that do not offer public kindergarten need new classrooms to provide it. That is why the kindergarten legislation I will introduce next week will propose full state funding – 100 percent state funding – to cover construction costs for new kindergarten programs. In addition, school districts that already operate public kindergarten programs will be eligible for kindergarten building aid. The state will cover 75 percent of the costs of new kindergarten construction for those school districts. The plan will be funded with state bonds for kindergarten construction, up to \$30 million during the five-year period beginning July 1, 1997 and ending June 30, 2002.

Earlier this week I visited Chichester Central School to talk about this new kindergarten construction plan. Chichester is just one community in our state where making kindergarten a reality demands an investment in construction of classrooms themselves. We must provide public kindergarten for every community in New Hampshire that wants it. I urge you to support this budget and stand with me to make kindergarten available to every five-year old in our state.

This budget also invests in other critical education programs. If you will look at the pie chart, you can see where the education dollar is going. We are increasing funding for reading recovery because we know kids who can read do better in school. We have fully funded the assessment program so that we can continue to test students on what they are learning in the classroom. Furthermore, we have made it possible to take the information that is learned from these tests and to use it to help schools improve students' performance. This budget invests \$100,000 over the next two years to expand the registered apprenticeship program so that apprenticeships will be available statewide as part of our developing system of school-to-work programs. Recognizing the increasing importance of technology, we are adding four new positions within the Department of Education to help local school districts implement technology into their schools. We are fully funding school building and catastrophic aid, programs that we have promised cities and towns that we would help them pay. An additional \$8 million will be available to local school districts from catastrophic aid alone.

We are increasing support for both our university system and our system of community technical colleges. We are not giving them as much as they want, but we are increasing support because we know that they are crucial to providing the skilled workers and the workforce development that we need to compete in the global economy of the future. We have restored funding for the community technical colleges' challenge grants, which provide critical training funds to business and industry. We have also restored funding for the Industrial Research Center at the University of New Hampshire That Center is so important in providing research assistance to small and medium size businesses. Each of these investments dramatically increases education aid to cities and towns. In addition, this budget increases the local share of the rooms and meals tax as this legislature decided it should several years ago, by an additional \$11.4 million and provides an additional \$4.2 million in local environmental grants. And again, you can see on this chart the difference this budget will provide in assistance to local cities and towns.

If we are to make these investments in education, restore fiscal integrity and deliver on our promises that we have made to local communities, we must enact a 25-cent increase in New Hampshire's cigarette tax. Even with that 25-cent increase, our cigarette tax will still be lower than the taxes of every other New England state except Maine, where they are now considering a 37-cent increase.

Our cigarette tax will still be significantly lower than those of Massachusetts and Canada, where most of our cross-border traffic occurs. And passing the cigarette tax increase effective April 1<sup>st</sup> will allow us to responsibly narrow the outstanding \$37 million budget deficit that we have inherited. Raising the cigarette tax is not only good fiscal policy, it is good health policy. New Hampshire has the third highest teen smoking rate in the country. We know that raising the cigarette tax will deter our children from smoking and it will significantly reduce health care costs.

Together we can make an extraordinary difference for New Hampshire. Together we can invest in New Hampshire's children, in New Hampshire's communities, in New Hampshire's economy and in New Hampshire's future. Together we can make a difference in the state we serve and in the lives of the people we represent.

Let us agree that our children deserve an education that prepares them for the good jobs of tomorrow; that New Hampshire's children should not be the only children in America without public kindergarten. Let us agree that we must invest in New Hampshire, strengthening our economy, creating jobs, providing opportunity and securing a prosperous future. Let us agree that we must have a budget that is honest, that is balanced and responsible; making the tough choices and keeping the important promises. The people of New Hampshire expect and deserve nothing less.

Thank you and I look forward to working with you in the coming months as we craft a budget together.

Sen. Barnes and Rep. Wheeler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

## RECESS

(Speaker Sytek in the Chair)

### RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 800 through 805, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

#### First, second reading and referral

**HB 800**, redistricting the executive council districts. (Avery, Ches 8, Royce, Ches 9; Hunt, Ches 10; E. Smith, Ches 6; Lynch, Ches 19: Election Law)

**HB 801-FN-L**, changing the interest rate on delinquent property taxes and subsequent taxes. (Daniels, Hills 13: Local and Regulated Revenues)

**HB 802**, relative to judgments on past due rent and judgments for eviction. (Gagnon, Hills 48; S. Holley, Hills 28; Lyman, Carr 5; Chabot, Hills 48; Asselin, Hills 47; J. King, Dist 18; Podles, Dist 16; Danais, Dist 20: Judiciary and Family Law)

**HB 803-FN-L**, relative to property valuation for purposes of payment of tax on a change of use under the current use laws. (Thulander, Hills 6: Environment and Agriculture)

**HB 804**, relative to the definition of "communication services" for the purposes of the communications services tax. (Carson, Rock 29: Finance)

**HB 805**, relative to homestead rights and revocable trusts. (Mittelman, Hills 37; Fraser, Dist 4: Judiciary and Family Law)

### RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 19, 1997 at 1:00 p.m.

Adopted.

**RECESS MOTION**

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill reports and enrolled bill amendments only.

Adopted.

The House recessed at 11:00 a.m.

**RECESS**

**(Rep. Burke in the Chair)**

**SENATE MESSAGE****CONCURRENCE WITH AMENDMENT**

**SB 108**, authorizing school boards of multi-town school districts which have adopted the official ballot referendum form of meeting to establish polling places in addition to the districts' central polling places for the 1997 and 1998 annual meetings.

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 108.

Rep. Amidon, Sen. Barnes for the Committee

**RECESS**

**(Rep. Robert Johnson in the Chair)**

**RESOLUTION**

Their introduction having been approved by the Rules Committee:

Rep. Franklin Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 806 through 808, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 806-FN-L**, relative to the business finance authority. (Carson, Rock 29: Commerce)

**HB 807-FN**, relative to the Littleton employment security district office. (Connolly, Graf 1: Labor, Industrial and Rehabilitative Services)

**HB 808**, changing the optional term of the school district clerk, moderator, and treasurer. (Daniels, Hills 13: Education)

**RESOLUTION**

Pursuant to House Rule 30 (g):

Rep. Franklin Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Resolution numbered 19, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HR****First, second reading and referral**

**HR 19**, affirming unrestricted revenue estimates for fiscal years 1998 and 1999. (Kurk, Hills 5; Weyler, Rock 18: Finance)

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 8

Wednesday, February 19, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Many times we come before You, O God, not knowing exactly what to say, unable or unwilling to find the words that can express our deepest frustrations or our greatest yearnings. But stumbling over the thoughts of our hearts and the confusion of our minds we come before You as we are, with nothing less and nothing more than the offering of ourselves, in the hope that You will receive our glimpses of truth and fragments of faith and fashion them into a more abiding beauty for Your sake and in Your own good time. Amen.

Reps. McRae and Turner led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Clay, Crosby, Felch, Franks, Beverly Gage, Guay, Hawkinson, Cecelia Kane, Lovejoy, Morris, O'Connell, O'Rourke, Paul Taylor, Vincent and Carol Ann Williams, the day, illness.

Reps. Ameen, Bartlett, David Cote, Dawe, Dodge, Estabrook, Griffin, Guaraldi, Lavoie, Marcinkowski, McGuirk, McNamara, Musler, Spear, Stone, Kathleen Taylor and Thomas, the day, important business.

Reps. Barry and Kathleen Colburn, the day, illness in the family.

### INTRODUCTION OF GUESTS

Dean Sweeny and Vic St. Cyr, guests of Rep. Tholl. John Pelletier, son of Reps. Marsha and Arthur Pelletier. Mary Lou Nowe, Ann Marie Amura, Dianne Gilbert and Harriet Cate, wife and guests of Rep. Nowe. Shaun, Linda and Steve Doherty, Donna Strassburger, Jenna Burns, Zachary Lynde and Charlene Takesian, guests, son and wife of Rep. Lynde.

### COMMITTEE ASSIGNMENTS

Rep. Dunlap off Wildlife and Marine Resources; on Environment and Agriculture.

Rep. Dowd off Commerce; on Finance.

### SENATE MESSAGE

### CONCURRENCE

**HB 193**, to amend the procedures for the election of officers in the Lebanon school district.

### HOUSE RESOLUTION NO. 19

affirming unrestricted revenue estimates for fiscal years 1998 and 1999.

Whereas, the House Finance Committee has considered what the unrestricted revenue estimates should be for fiscal years 1998 and 1999 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 1998 and 1999 and also takes note of the following revenue figures presented here for fiscal years 1996 and 1997:

Committee estimates are based on current rates.

|                          | (A)       | (B)      | (C)       | (D)      | (E)       | (F)       |
|--------------------------|-----------|----------|-----------|----------|-----------|-----------|
|                          | FY 1996   | -----    | FY 1997   | -----    | FY 1998   | FY 1999   |
| GENERAL FUNDS:           | Unaudited | Official | Committee |          | Committee | Committee |
| (Dollars in Millions)    | Actual    | Estimate | Estimate  | Variance | Estimate  | Estimate  |
| Business Profits Tax     | 155.814   | 150.619  | 160.000   | 9.381    | 165.400   | 172.400   |
| Business Enterprise Tax  | 24.300    | 45.300   | 42.000    | (3.300)  | 34.600    | 36.000    |
| Meals & Rooms Tax        | 112.436   | 124.000  | 117.500   | (6.500)  | 121.000   | 124.500   |
| Liquor Sales             | 65.061    | 67.500   | 68.683    | 1.183    | 70.700    | 73.200    |
| Interest & Dividends Tax | 51.658    | 44.350   | 48.000    | 3.650    | 49.500    | 51.000    |

| GENERAL FUNDS:<br>(Dollars in Millions) | (A)<br>FY 1996      | (B)                  | (C)                              | (D)          | (E)                              | (F)                              |
|---|---------------------|----------------------|----------------------------------|--------------|----------------------------------|----------------------------------|
|   | Unaudited<br>Actual | Official<br>Estimate | FY 1997<br>Committee<br>Estimate | Variance     | FY 1998<br>Committee<br>Estimate | FY 1999<br>Committee<br>Estimate |
| Insurance Tax                           | 50.488              | 57.820               | 54.500                           | (3.320)      | 53.400                           | 55.700                           |
| Tobacco Tax                             | 45.420              | 47.000               | 48.300                           | 1.300        | 48.300                           | 48.300                           |
| Other                                   | 38.058              | 45.425               | 40.000                           | (5.425)      | 40.000                           | 40.000                           |
| Communications Tax                      | 35.267              | 35.700               | 37.000                           | 1.300        | 39.000                           | 41.000                           |
| Estate & Legacy Tax                     | 31.707              | 36.000               | 45.000                           | 9.000        | 37.400                           | 37.400                           |
| Real Estate Transfer Tax                | 30.077              | 34.000               | 33.000                           | (1.000)      | 34.000                           | 35.000                           |
| Court Fines & Fees                      | 18.948              | 19.500               | 19.000                           | (0.500)      | 19.000                           | 19.000                           |
| Utility Tax                             | 17.488              | 19.000               | 18.000                           | (1.000)      | 18.000                           | 18.000                           |
| Securities Revenue                      | 15.621              | 14.000               | 16.500                           | 2.500        | 16.800                           | 17.300                           |
| Board & Care Revenue                    | 13.628              | 13.700               | 13.700                           | -            | 13.700                           | 13.700                           |
| Beer Tax                                | 11.335              | 11.250               | 11.100                           | (0.150)      | 11.100                           | 11.100                           |
| Horse Racing                            | 2.989               | 3.100                | 2.800                            | (0.300)      | 2.800                            | 2.800                            |
| Dog Racing                              | 2.137               | 2.800                | 2.000                            | (0.800)      | 2.000                            | 2.000                            |
| <b>TOTAL STATE SOURCES</b>              | <b>722.432</b>      | <b>771.064</b>       | <b>777.083</b>                   | <b>6.019</b> | <b>776.700</b>                   | <b>798.400</b>                   |

**MEDICAID ENHANCEMENTS:**

|                                    |                |                |                |                |                |                |
|------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Board and Care                     | 45.200         | 47.409         | 47.409         | -              | 47.400         | 47.400         |
| Uncompensated Care Pool            | 45.880         | 59.500         | 50.000         | (9.500)        | 51.400         | 52.900         |
| <b>Total Medicaid Enhancements</b> | <b>91.080</b>  | <b>106.909</b> | <b>97.409</b>  | <b>(9.500)</b> | <b>98.800</b>  | <b>100.300</b> |
| <b>TOTAL GENERAL FUND</b>          | <b>813.512</b> | <b>877.973</b> | <b>874.492</b> | <b>(3.481)</b> | <b>875.500</b> | <b>898.700</b> |
| HHS-Third Party Reimbursements     | -              | 20.000         | *****          |                | *****          | *****          |

\*\*\*\*\* = The committee does not have sufficient information at this time to determine an estimate.

The following three taxes have temporary rates that are due to expire on June 30, 1997.

If the rates are not continued, the decrease in tax receipts would be as follows:

|  |          |          |
|--|----------|----------|
| Meals & Rooms Tax (8%/7%)                | (15.125) | (15.562) |
| Real Estate Transfer Tax (\$5.00/\$3.50) | (10.200) | (10.500) |
| Communications Tax (5.5%/3.0%)           | (17.727) | (18.636) |

|                      |                |                |
|----------------------|----------------|----------------|
| <b>REVISED TOTAL</b> | <b>832.448</b> | <b>854.002</b> |
|----------------------|----------------|----------------|

**HIGHWAY FUNDS:**

(Dollars in Millions)

|                            |                |                |                |               |                |                |
|----------------------------|----------------|----------------|----------------|---------------|----------------|----------------|
| Gasoline Road Toll         | 106.963        | 104.450        | 110.000        | 5.550         | 113.300        | 116.700        |
| Motor Vehicle Fees         | 60.141         | 57.724         | 61.800         | 4.076         | 63.650         | 65.500         |
| Miscellaneous              | 11.140         | 6.741          | 11.000         | 4.259         | 11.300         | 11.600         |
| <b>TOTAL HIGHWAY FUNDS</b> | <b>178.244</b> | <b>168.915</b> | <b>182.800</b> | <b>13.885</b> | <b>188.250</b> | <b>193.800</b> |

**FISH & GAME FUNDS:**

(Dollars in Millions)

|                                    |              |              |              |                |              |              |
|------------------------------------|--------------|--------------|--------------|----------------|--------------|--------------|
| Fish & Game Licenses               | 5.994        | 6.374        | 6.300        | (0.074)        | 6.300        | 6.300        |
| Miscellaneous                      | 0.730        | 0.738        | 0.600        | (0.138)        | 0.600        | 0.600        |
| <b>TOTAL FISH &amp; GAME FUNDS</b> | <b>6.724</b> | <b>7.112</b> | <b>6.900</b> | <b>(0.212)</b> | <b>6.900</b> | <b>6.900</b> |

Rep. Kurk moved that the House adopt HR 19 and spoke in favor.

Adopted.

**LAID ON THE TABLE**

Rep. Kurk moved that **HR 19**, affirming unrestricted revenue estimates for fiscal years 1998 and 1999, be laid on the table.

Adopted.

## COMMITTEE REPORTS

## CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 499**, establishing a committee to study the provision by the state of certain economic, medical and social support services to individuals whose misconduct resulted in the need for service, removed by Rep. Rosen.

**HB 315-L**, expanding certain financial powers of village districts, removed by Rep. Cobbin.

**HB 509-A**, relative to repairing and resurfacing the access road to the Gunstock Ski Area, removed by Rep. Rice.

**HB 403**, prohibiting the use of trotlines to take fish, removed by Rep. Vaillancourt.  
Consent Calendar adopted.

**HB 180**, establishing a study committee to examine changes to the law necessary to allow electronic corporations to incorporate in New Hampshire. **INEXPEDIENT TO LEGISLATE**  
Rep. Gregory G. Carson for Commerce: This legislation addresses two possible issues to study: The creation of a new form of corporate entity, and the changing of current law in order to attract new businesses to New Hampshire. There was no interest from either the business or legal community in creating a new form of corporate entity. As to the second issue, there are other groups statutorily and private sector organized, currently addressing economic development, including electronic commerce based businesses. Vote 18-0.

**HB 222-L**, relative to pooled risk management programs. **OUGHT TO PASS**

Rep. Richard H. Krueger for Commerce: In 1987 legislation was passed establishing the criteria which determined the makeup of the boards of trustees for pool risk management entities. At that time boards were composed of elected or appointed officials. The risk pool management groups have over 300 members and serve the needs of schools, municipalities and county organizations. This enabling legislation would allow the boards of trustees to retain members who no longer wished to serve in elected or appointed positions continued participation, providing the benefits of their expertise, and to draw upon the expertise of members who had never held public office. Vote 17-0.

**HB 359**, regulating information regarding evictions contained in credit reports issued by consumer reporting agencies. **RE-REFER TO COMMITTEE**

Rep. Anthony Syracuse for Commerce: Many New Hampshire landlords currently subscribe to a service that provides information about prospective tenants. In particular, this background report notes whether an eviction proceeding has ever been initiated against the prospective tenant. The bill does not seek to adversely affect this valuable landlord service. Rather, the bill requires that such eviction-related information also specify the basis for commencing the eviction (e.g., non-payment of rent, sale of the property, landlord's family needs) and the outcome of the proceeding (i.e. eviction granted, eviction denied, settled out-of-court). Full disclosure of the circumstances surrounding an eviction proceeding not only protects tenants' rights but enhances the landlord knowledge. Indeed, a representative of the landlord service expressed a desire to provide the information the bill otherwise requires. Testimony indicated, however, that certain district courts have been unwilling or reluctant to supply such information to the landlord service. Accordingly, the committee would like additional time to facilitate the transfer of data between the court system and the landlord service, thereby satisfying both landlords and tenants. Vote 17-1.

**HB 657-FN**, eliminating the Pease development authority and transferring its duties and authority to a new Pease international tradeport division. **INEXPEDIENT TO LEGISLATE**

Rep. Gregory G. Carson for Commerce: There are several bills dealing with the PDA before the Commerce committee. The committee has chosen to address less severe options regarding changes in regard to the PDA. Vote 19-0.

**HB 670-FN**, relative to telemarketing registration and fraud prevention. **RE-REFER TO COMMITTEE**  
Rep. Anthony Syracuse for Commerce: Sponsors of this bill requested re-referral. The Consumer Protection Bureau of the Attorney General's office supports the concept of a Fraud Prevention Act and recommends reworking the bill for next session. The committee wants more time to review the issues involved and put together a bill that will serve citizens well. Vote 19-0.

**HB 221**, prohibiting out-of-state sweepstakes conducted by mail. **INEXPEDIENT TO LEGISLATE**  
Rep. Herbert R. Hansen for Criminal Justice and Public Safety: Investigation of this subject disclosed that it would be inappropriate to pass legislation that interfered with an individual's or business' right to utilize the U.S. mail service to promote their products, ideas or beliefs. Recipients of direct mail material may have much of it eliminated by notifying Mail Preference Service, Director Marketing Association, P.O. Box 9008, Farmingdale, New York 11735-9008. Vote 15-0.

**HB 338**, repealing certain requirements relative to the duty to deliver a copy of process to prisoners. **OUGHT TO PASS**

Rep. Herbert Hansen for Criminal Justice and Public Safety: RSA 534:26 is no longer pertinent in today's environment. It was originally passed over 100 years ago and today other practices of prisoner notification are used. Vote 16-0.

**HB 348-FN**, allowing the state fire marshal to investigate a building collapse or release of carbon monoxide. **OUGHT TO PASS**

Rep. Herbert Hansen for Criminal Justice and Public Safety: This bill authorizes the state fire marshal to investigate a building collapse or any incident involving the release of carbon monoxide other than from a motor vehicle. Current law limits such investigations to fires. Vote 15-0.

**HB 289-L**, authorizing annual school district meetings to be held at multiple locations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rep. William A. Riley for Education: The bill, as amended, provides for two-way audio-visual closed circuit equipment to be installed in multilocation town and school district meetings for those municipalities which choose to use them. Vote 19-0.

#### Amendment (0170h)

Amend the bill by replacing section 2 with the following:

2 "Place" Changed to "Places." Amend RSA 197:4 to read as follows:

197:4 ~~[Place]~~ *Meeting Places*. School district meetings may be held at such suitable ~~[place]~~ *places, which have 2-way visual and audio closed circuit capacity*, as in the opinion of the officers calling the meeting will best accommodate the voters.

#### AMENDED ANALYSIS

Section 2 of this bill authorizes school districts to hold their annual district meetings at multiple locations which have 2-way audio and visual closed circuit capacity.

The remainder of this bill amends certain RSA provisions making them gender neutral in accordance with RSA 17-A:6 relative to gender neutral drafting.

**HB 277**, relative to the option to process absentee ballots before closing of polls. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lynn Horton for Election Law: The amendment to this bill becomes the bill. It allows processing of absentee ballots starting at 1:00 p.m. instead of 2:00 p.m. Clerks say this will be helpful to them. Vote 14-1.

#### Amendment (0160h)

Amend the bill by replacing section 1 with the following:

1 Processing Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots shall begin at ~~[2:00 p.m.]~~ *1:00 p.m.* The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time during the processing of such ballots. Absentee ballots which are received after ~~[2:00 p.m.]~~ *1:00 p.m.* and prior to 5:00 p.m. shall be processed as soon after receipt as possible.

II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than ~~[2:00 p.m.]~~ *1:00 p.m.*, the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.

## AMENDED ANALYSIS

The bill changes the time to begin processing previously received absentee ballots and the time at which voters must be present to submit written challenges which postpone the processing of absentee ballots.

**HB 140**, relative to the sale of apples and relative to maple syrup and sap hydrometers and orders issued by the commissioner for noncompliance with the laws regulating maple and honey products. **OUGHT TO PASS WITH AMENDMENT**

Rep. Perley E Davis for Environment and Agriculture: This Bill reduces the number of days apples must be kept in storage with not more than 5% oxygen before the apples may be represented as having been exposed to a controlled or modified atmosphere. It allows the Commissioner of Agriculture, Market and Food to issue stop sale, use, or removed orders for non compliance with law regulating maple and honey products. Repeals a provision requiring the department to test and approve maple syrup and sap hydrometers. Vote 13-0.

**Amendment (0143h)**

Amend RSA 434:26 as inserted by section 1 of the bill by replacing it with the following:

434:26 Controlled Atmosphere. No person shall sell or exchange or offer or expose for sale or exchange or transport for sale any apples represented as having been exposed to "controlled atmosphere", "modified atmosphere", alone or with other words, or shall so use any such term or form of words or symbols of similar import on any container or lot of apples advertised, sold, offered for sale or transported for sale within this state unless such apples have been kept in a room or storage building with not more than 5 percent oxygen for a minimum of [90] 60 days. A record on a form approved by the commissioner shall be kept at a convenient location adjacent to [said] the room or storage building from the day of sealing to the day of opening of [said] the room or storage building, and shall be subject to review by the commissioner or [his] the commissioner's authorized agents at any time for a period of at least one year.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

**HB 553-L**, relative to a right to farm. **RE-REFER TO COMMITTEE**

Rep. Richard T. Trelfa for Environment and Agriculture: The right to farm comes very close to being inherent to any organized society. To make certain that all major issues are addressed, the committee elected to re-refer this bill to committee. Vote 16-0.

**HB 158**, creating a committee to study the establishment of a New Hampshire volunteer program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sylvia Holley for Executive Departments and Administration: This bill creates a committee to study establishing a program which places volunteers with state agencies to perform duties requested by the agency. Vote 17-0.

**Amendment (0173h)**

Amend subparagraph I(b) of section 2 of the bill by replacing it with the following:

(b) The committee shall solicit input from the following:

- (1) The commissioner of safety, or designee.
- (2) The commissioner of environmental services, or designee.
- (3) The commissioner of resources and economic development, or designee.
- (4) The commissioner of the department of employment security, or designee.
- (5) The commissioner of the department of health and human services, or designee.
- (6) A member of the governor's staff, appointed by the governor.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect 30 days after its passage.

**HB 264**, relative to technical committees advising the director of the office of information technology management on technical issues. **OUGHT TO PASS**

Rep. Miriam Dunn for Executive Departments and Administration: This bill is the product of the "Task Force on Electronic Information in State Government: created by laws of 1996, chapter 216:3 (HB 1110). The technical committees, already established by statute and represented by personnel

from all branches of government, will advise the Office of Information Technology Management on various issues, including emerging internet and "intranet" needs and capabilities. All testimony was in support of the bill. Vote 16-0.

**HB 319**, relative to access to child immunization records. **INEXPEDIENT TO LEGISLATE**  
Rep. Joseph Manning for Health, Human Services and Elderly Affairs: The need for immunization records is unquestioned; however, those records are best obtained, administratively, through the parents or guardians who have the knowledge of their whereabouts and must give their permission. Concern was expressed regarding maintaining the confidentiality of medical records. Another problem arises for children coming from out of state and out of the country. Vote 15-2.

**HB 401**, repealing the prospective repeal of the healthy kids corporation. **OUGHT TO PASS**  
Rep. Charles W. Ferguson for Health, Human Services and Elderly Affairs: This repeals the sunset provisions of healthy kids corporation. Healthy Kids is a health insurance program offered to uninsured children. The corporation has proven its worth and should be continued permanently. Vote 17-0.

**HB 189**, exempting occupants of rooms in transitional housing units operated by charitable organizations from the definition of "tenant" for the purposes of landlord/tenant laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kevin H. Smith for Judiciary and Family Law: The committee opinion was that this bill will benefit those charitable organizations, which provide transitional housing, of being relieved from having to go through the entire eviction process. This is done only after a pre-agreed behavioral contract has been broken or violated. Vote 15-0.

#### **Amendment (0043h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** excluding rooms and rental units leased or subleased from charitable organizations under a transitional housing program from the definition of "tenancy" for the purposes of landlord/ tenant laws.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Transitional Housing Rooms and Rental Units. Amend RSA 540:1-a, IV by inserting after subparagraph (d) the following new subparagraph:

(e) Rooms and rental units leased or subleased from charitable organizations pursuant to a transitional housing program where the occupant as part of the program has agreed to terms impacting a change in lifestyle such as, but not limited to, abstinence from drugs or alcohol, attendance at counseling, school, parenting classes or similar programs, gainful employment, or therapy.

2 Definition; Tenant. Amend RSA 540-A:1, II to read as follows:

II. "Tenant" means a person to whom a landlord rents or leases residential premises, including manufactured housing or a space in a manufactured housing park, *but shall not include occupants of places set forth in RSA 540:1-a, IV.*

3 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill excludes rooms and rental units leased or subleased from charitable organizations under a transitional housing program from the definition of "tenancy" for the purposes of the landlord/tenant laws.

**HB 360**, prohibiting discrimination in rental housing based on receipt by a tenant of a federal rent subsidy. **INEXPEDIENT TO LEGISLATE**

Rep. Paul M. Mirski for Judiciary and Family Law: The committee generally agreed that the qualification for a federal rent subsidy ought not to be elevated to the status of a civil right. The committee did feel that testimony on this and other low-income tenant/landlord questions required further consideration and the committee intends to address this subject in other forthcoming legislation. Vote 13-4.

**HB 361**, clarifying the status of tenants who reside in rooming or boarding houses for more than 90 consecutive days. **RE-REFER TO COMMITTEE**

Rep. Carol H. Holden for Judiciary and Family Law: The committee heard testimony on several bills dealing with landlord/tenant issues (HB 360, HB 361, HB 362, HB 363, and HB 364). It was the unanimous vote of the committee to use HB 361 to study the range of landlord/tenant issues and come back with recommendations in the 1998 session. Vote 17-0.

**HB 363**, relative to venue for actions against tenants. INEXPEDIENT TO LEGISLATE

Rep. Deborah L. Woods for Judiciary and Family Law: This is one of several bills dealing with landlord/tenant issues. The committee, is recommending re-referral of another one of these bills HB 361. It is the committee's intention to use HB 361 as a vehicle to review the issues raised in this and other related bills. Vote 17-0.

**HB 364**, relative to interest or penalty charges for failure to pay rent. INEXPEDIENT TO LEGISLATE

Rep. Wayne T. Moynihan for Judiciary and Family Law: This bill seeks to prohibit the imposition of interest or penalty payments against a tenant for failure to pay rent until 30 days after such rent shall have been due. This bill was one of a number of bills presented to the committee related to statutes and issues between landlord and tenants. The committee intends to address the issue presented in this bill, along with all other landlord tenant related issues, when it establishes a committee to study HB 361 which the committee has re-referred for study Vote 17-0.

**HB 131**, relative to notification regarding workers' compensation coverage for subcontractors. INEXPEDIENT TO LEGISLATE

Rep. Joseph D. Kenney for Labor, Industrial and Rehabilitative Services This bill would have required the insurance carrier for a subcontractor's workers' compensation insurance to notify the contractor to which a Certificate of Insurance was issued in the event the subcontractor's insurance is canceled. In speaking with various general contractors around the state it was their sentiment the current law of the insurance carrier notifying the subcontractor in the event of cancellation was appropriate. The main thrust would still have general contractors responsible for monitoring their own subcontractors' insurance policies. The Committee felt it was unnecessary to change the existing law based on the limited amount of testimony and statewide complaints. Vote 19-0.

**HB 134**, clarifying the distinction between homeworkers and independent contractors for the purposes of unemployment compensation. INEXPEDIENT TO LEGISLATE

Rep. Lawrence V. Guaraldi for Labor, Industrial and Rehabilitative Services: The Committee and original sponsor agreed the wording of the bill did not accomplish what the sponsor intended. Vote 19-0.

**HB 284**, establishing a study committee on the feasibility of combining the department of labor and the department of employment security. INEXPEDIENT TO LEGISLATE

Rep. Robert Clegg for Labor, Industrial and Rehabilitative Services: The Committee felt in the absence of any known problems, no study was necessary. In addition, the original sponsor requested the bill be Inexpedient to Legislate. Vote 18-1.

**HB 339**, establishing a freedom of employment association act. INEXPEDIENT TO LEGISLATE

Rep. Wanda G. McNamara for Labor, Industrial and Rehabilitative Services: The Committee unanimously felt the bill is too broad in scope and in part would fall beyond legislative authority. Vote 19-0.

**HB 206-FN-L**, requiring trailers and recreational vehicles used for storage or habitation to be either registered under the motor vehicle laws or subject to local property tax. INEXPEDIENT TO LEGISLATE

Rep. Laura C. Pantelakos for Local and Regulated Revenues: The committee felt that it would be impossible to police the registration of these trailers as vehicles, and that they don't fall within the definition of property usually subject to property tax. The committee also felt that the problem of old, run-down trailers was a local zoning issue which could be addressed under current law. Vote 13-1.

**HB 228**, relative to the definition of "club-veterans" under the liquor laws. OUGHT TO PASS WITH AMENDMENT

Rep. Robert N. Kelley for Local and Regulated Revenues: The committee received an amendment from the sponsor which corrected terminology in the basic bill relative to discharges from the armed forces. The bill, as amended, revises the definition of "club veterans" to simply reflect service in the armed forces with no time limit specified. Existing law is otherwise unchanged. Vote 15-0.

**Amendment (0125h)**

Amend RSA 175:1, XXII as inserted by section 1 of the bill by replacing it with the following:

XXII. "Club-veterans" means a facility operated under the authority of a group of individuals, incorporated under the laws of this state, and which may be affiliated with any national organization, whose members comprise persons who served ~~[for not less than 90 days]~~ in the armed forces of the United States during any war in which the United States was engaged, and received an honorable discharge from such service. The premises occupied by the club, whether owned or leased, shall not have been operated for pecuniary gain. The club shall be for the use of members and their guests and the property and fixtures of the club shall belong to the members. The members shall have the right to vote in club affairs and run for office.

**HB 373**, establishing a committee to study the feasibility of implementing alternative local taxes for funding of education. **INEXPEDIENT TO LEGISLATE**

Rep. Robert N. Kelley for Local and Regulated Revenues: The committee had a stimulating hearing on this bill. The funding of local education is a subject that has attracted, and continues to attract, strong attention. HR 62 instructs the house finance committee to study alternatives to funding public primary and secondary education and to report by Nov. 1, 1997. This bill would establish a committee to study the feasibility of implementing alternative local taxes by funding education and to report by Nov. 1, 1997. The committee felt that the purpose of this bill can be addressed more broadly in HR 62 and that this bill was therefore, unnecessary. Vote 16-1.

**HB 423-L**, relative to the elderly exemption from the property tax. **INEXPEDIENT TO LEGISLATE**  
Rep. Richard Noyes for Local and Regulated Revenues: A completely revised elderly exemption law will be voted on at local meetings in 1997 and will go into effect on Jan. 1, 1998. It allows municipalities to tailor the exemption to the needs of their individual communities. The committee believes the new statute should be allowed to work before more changes are proposed. Vote 17-0.

**HB 432**, increasing the wager limit on games of chance from \$1 to \$5. **RE-REFER TO COMMITTEE**

Rep. Douglass P. Teschner for Local and Regulated Revenues: The bill, as originally proposed, would raise the bet limit at "Monte Carlo" nights conducted by charities from \$1 to \$5. The committee became concerned at hearing both testimony and subsequent information in executive session that the current law is not followed at some of these events. Questions about enforcement of charitable gambling were reinforced by press reports of an audit of a bingo charity in Rockingham county. The committee voted unanimously to re-refer this bill to consider thoroughly all the issues related to charitable gambling. Vote 17-0.

**HB 510**, relative to delivery of beverages by wholesale distributors. **INEXPEDIENT TO LEGISLATE**  
Rep. Douglass P. Teschner for Local and Regulated Revenues: The sponsor requested that the bill be withdrawn, and the committee obliged. Vote 17-0.

**HB 302**, renaming Scott Pond in the town of Fitzwilliam, N.H. as West Scott Pond and East Scott Pond. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Municipal and County Government: This bill as introduced renames Scott Pond in Fitzwilliam, NH as West Scott Pond and East Scott Pond. It was originally felt this was necessary because it has been designated West Scott Pond by the Department of Safety. The sponsors now realize this legislation is not necessary. They asked that the bill be voted out as inexpedient to legislate. Vote 15-0.

**HB 309**, increasing the time for a local legislative body to act on a proposed interim zoning regulation. **OUGHT TO PASS**

Rep. Betsey L. Patten for Municipal and County Government: Under the growth management and interim regulations in RSA 674: 22&23 the posting date of the interim regulations starts the counting time by a local land use board to put the regulations before the local legislative body for a vote. Having no later than 90 days, instead of the current 45 days, to act on the interim regulations gives the land use board adequate time for legal posting, public hearings and possible reprint of the proposed interim regulations. Vote 15-0.

**HB 126-FN-L**, repealing road toll refunds for retail dealers. RE-REFER TO COMMITTEE  
Rep. Katherine D. Rogers for Public Works and Highways: This bill would repeal the road toll refund of 1% presently afforded gasoline dealers. The 1% originally was awarded as recognition of shrinkage in the dispensing of petroleum products. With current vapor recovery technology, the issue of shrinkage is questionable. The committee believes that further study of this issue is warranted. If passed, this bill could increase the state highway fund revenue by as much as \$656,655 in FY 98 and each year thereafter, however, the cost to dealers could be extremely high (loss due to expensive vapor recovery equipment and loss of rebates.) The committee wants to study what is being done across the country and gain some objective scientific information on this topic. Vote 16-0.

**HB 208-L**, relative to the status of county highways which are being maintained by towns. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W Schotanus for Public Works and Highways: The amendment replaces the original language of the bill and fills a gap in the road classification statutes to legally clarify the status of "county" roads laid out by courts or county commissioners prior to the time the state's modern road classification system was established. Vote 18-0.

#### Amendment (0178h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the status of roads laid out by the courts of common pleas or the county commissioners.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Roads Laid Out by Court of Common Pleas or County Commissioners. Amend RSA 229 by inserting after section 5 the following new section:

229:6 Roads Laid Out by Courts of Common Pleas or County Commissioners. All roads laid out by the courts of common pleas or the county commissioners, which have not been maintained by them for at least 20 years, are town-owned rights-of-way and are legally subject to the actions of the town's legislative body.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes that all roads laid out by the courts of common pleas or the county commissioners which have not been maintained by them for at least 20 years, are town-owned rights-of-way and are legally subject to the actions of the towns legislative body.

**HB 347-FN-A**, relative to landscaping at Weirs Beach in Laconia and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Paul I. LaMott for Public Works and Highways: This bill was found inexpedient because the Department of Transportation Railroad Fund has sufficient funds to accomplish some of the tasks required by this bill. Additionally, the department has assured the committee of its willingness to work with the city of Laconia on the problem of fencing of landscaping the railroad right of way near Endicott Park in Weirs Beach. Vote 19-0.

**HB 307**, relative to the adoption of local river corridor management plans by planning boards. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Ann N. Blanchard for Resources, Recreation and Development: This bill as amended modifies the adoption process for local River Corridor Management Plans. These plans will now be linked to other local planning efforts. There are no regulatory consequences. Vote 15-0.

#### Amendment (0206h)

Amend the bill by replacing section 1 with the following:

1 Adoption of Local River Corridor Management Plans. Amend RSA 483:8-a, III(c) to read as follows:

(c) To develop or assist in the development and adoption of local river corridor management plans under RSA 483:10. ~~[Such adoption shall be subject to the approval of the municipal legislative body of the affected municipalities.]~~ *The local planning board, or, in the absence of*

*a planning board, the local governing body, may adopt such plans pursuant to RSA 675:6 as an adjunct to the local master plan adopted under 674:4. No such plan shall have any regulatory effect unless implemented through properly adopted ordinances.*

### AMENDED ANALYSIS

This bill allows a local planning board or governing body to adopt local river corridor management plans as part of the local master plan if certain requirements are met.

**HB 254**, relative to shared tenant telecommunication services. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: Shared tenant services are telecommunication services often provided by a landlord or other business entities to tenants within a complex or building. Currently the Public Utilities Commission has no authority to regulate such services. Passage of this bill will give limited regulatory authority to the Commission, only concerning rate disclosure by shared tenant service providers and number retention by entering or departing tenants. The Commission is not given authority to set rates. Vote 17-0.

### Amendment (0261h)

Amend the bill by replacing all after the enacting clause with the following:

I New Subdivision; Shared Tenant Services; Commission Jurisdiction. Amend RSA 374 by inserting after section 22-g the following new subdivision:

Shared Tenant Services

374:22-h Definitions. In this subdivision:

I. "Number retention" means the ability of a telephone service customer to retain that customer's direct inward dialing telephone number at the same location, or a different location served by the central office that provides private branch exchange service to the shared tenant services provider, when switching service providers.

II. "Private branch exchange" means a telephone switch that can switch voice and data communications among the users of such switch, to the local telephone utility's central office or directly to inter-exchange carriers.

III. "Shared tenant services" means voice and data communications services under which tenants at a single building, business park, office park, or mall are provided with such services through a private branch exchange.

374:22-i Shared Tenant Services Authorized; Limited Regulation.

I. The public utilities commission shall authorize the provision of shared tenant services by providers meeting the minimum requirements established by the commission to operate shared tenant services networks.

II. Providers of shared tenant services shall be subject to the following limited regulation by the commission:

(a) Providers of shared tenant services shall disclose to tenants and prospective tenants all pricing information relative to their services in the manner prescribed by the commission.

(b) Providers of shared tenant services shall disclose to tenants and prospective tenants that they can at their option obtain basic exchange and other service from an authorized local telephone utility rather than from the shared tenant services provider.

(c) Without penalty and in accordance with the rules of the commission, telephone number retention and access to telecommunications services shall be permitted by providers of shared tenant service and authorized local telephone utilities into and out of shared tenant services properties.

(d) The commission shall have jurisdiction to hear matters pertaining to the unauthorized provision of shared tenant services, violations of commission rules relating to shared tenant services, and customer complaints against shared tenant service providers.

374:22-j Rulemaking. The public utilities commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. Minimum requirements for shared tenant services, including disclosure of available options and terms and prices of shared tenant services.

II. Customer access to services of authorized local telephone utilities.

III. Telephone number retention and recovery of costs, if any, associated with number retention.

IV. The charges a local telephone utility establishes for a shared tenant services provider to purchase services for use by the provider's tenants.

V. Procedures for complaints to the commission regarding shared tenant services.

374:22-k Penalty. Any person who violates the provisions of this subdivision shall be subject to a civil penalty not to exceed \$1,000 per day of such violation.

2 New Section; Exemption from Public Utility Regulation. Amend RSA 362 by inserting after section 362:3-a the following new section:

362:3-b Shared Tenant Services. Authorized providers of shared tenant services as defined in RSA 374:22-h shall not be deemed to be telecommunications carriers within the meaning of the Communications Act of 1934 or public utilities within the meaning of this title.

3 Effective Date. This act shall take effect January 1, 1998.

**HCR 4**, petitioning the Congress of the U.S. to propose an amendment to the Constitution of the U.S. for submission to the states to establish a mechanism for nullification of federal laws and regulations when the states determine that such laws or regulations exceed the authority of the federal government under the Constitution of the U.S. **INEXPEDIENT TO LEGISLATE**  
Rep. Peter F. Bergin for State-Federal Relations and Veterans Affairs: The federal government enacts laws and regulations which are passed on the states for enactment. If the state finds that these laws or regulations are not applicable or unenforceable it now has a mechanism to change them. It can petition the Congress, the courts or the regulatory agency. Vote 14-0.

**HCR 6**, petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to provide the states a method of offering amendments to the Constitution of the United States. **INEXPEDIENT TO LEGISLATE**  
Rep. Charles L. Clark for State-Federal Relations and Veterans Affairs: The committee feels a proper mechanism exists for states to initiate congressional actions to amend the Constitution. Vote 14-0.

**HCR 7**, petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to prohibit the federal government from imposing regulatory mandates, unfunded mandates, and spending conditions, which conditions are unrelated to the actual expenditures of funds allocated by Congress. **RE-REFER TO COMMITTEE**  
Rep. Thomas A. Varrell for State-Federal Relations and Veterans Affairs: This resolution shows a degree of merit since it essentially addresses the constant violations of our 10<sup>th</sup> amendment by the federal government. Since time is of the essence with regard to this House Concurrent Resolution, the committee wishes to work further to see if some of the apparent problems with this bill can be resolved. Vote 14-0.

**HB 304-L**, relative to permitting local law enforcement agencies to receive grants-in-aid from the bureau of trails for enforcement of public trail restrictions. **INEXPEDIENT TO LEGISLATE**  
Rep. Ralph L. Akins for Transportation: The trails grant-in-aid program money is a separate account funded by OHRV registration fees. These funds are designated to be used solely for trail grooming, maintenance and construction. The money is needed to maintain a statewide trail system for safe operational condition, and is already in very short supply. The committee felt that adding the proposed new use was not in keeping with the intent of this funds purpose, and would also greatly reduce the money available for which these funds are needed. Vote 13-1.

**HB 357-FN**, requiring the director of motor vehicles to recommend vehicle light use during any period windshield wipers are in operation during inclement weather. **INEXPEDIENT TO LEGISLATE**  
Rep. Michael P. Kelly for Transportation: The committee found considerable merit to issues surrounding general safety and avoidance of personal injury. However, the committee felt that manufacturers were already introducing this feature in new models, making this bill a moot issue. Finally, this proposed legislation is preempted by Federal law. Daytime running lights are optional by Federal Standard #108. Vote 13-0.

**HB 419**, requiring daytime running lights on motor vehicles. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert Letourneau for Transportation: It was the unanimous decision of the committee that this law would not be in the best interest of the motoring public because of several compelling reasons. First, the enforcement would be very difficult, not only on the citizens of New Hampshire but on the many people who come from out of state to live here may not be able to comply with this law. Second, the committee felt that the manufacturers were already starting to include this

feature in new models so it would be a moot point and a waste of state resources. Finally, this proposed legislation is preempted by federal law. Daytime running lights are made explicitly optional by Federal Standard #108, and as such they cannot be rendered mandatory by state authority. Vote 15-0.

**HB 390**, relative to quarantine of captive wildlife. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Robert J. L'Heureux for Wildlife and Marine Resources: This bill grants the state veterinarian the authority to quarantine captive wildlife when he has reason to believe that they may be infected with a contagious or infectious disease. The same authority the state veterinarian now exercises over domestic animals and some specific wild animals in captivity, such as deer and elk. This law is necessary to protect our states wildlife resources as well as our citizens from some rather exotic diseases. The amendment changes the effective date to "upon passage". Vote 14-0.

#### **Amendment (0254h)**

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

#### **REGULAR CALENDAR**

**HB 157**, prohibiting certain inducement practices in offering small consumer loans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce: The purpose of this legislation is to give added protection to people who are recipients of unsolicited checks from finance companies, which in truth, turn out to obligate the receiver of the check to pay the face value of the check plus interest, usually at very high rates. Vote 18-1.

#### **Amendment (0169h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring persons marketing small consumer loans by offering inducement checks to print a disclosure on the inducement checks.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Inducement Checks Disclosure. Amend RSA 399-A:3 by inserting after paragraph VIII the following new paragraph:

IX. No licensee shall induce any potential borrower to enter into a closed-end loan agreement without including the following information clearly printed on the endorsement side of the check:

(a) A statement which reads, "By endorsing this check, you become legally liable for repaying all moneys, including interest, as specified in the following loan agreement/disclosure statement;"

(b) The amount financed;

(c) The annual percentage rate;

(d) The number of installments; and

(e) The amount of each installment payment.

#### **AMENDED ANALYSIS**

This bill requires persons marketing small consumer loans by offering inducement checks to print on each check a disclosure regarding the loan which will result from endorsing the check.

Adopted.

Report adopted and ordered to third reading.

**HB 292-L**, limiting the damages which may be received by an uninsured motorist from an insured motorist's automobile liability coverage. **INEXPEDIENT TO LEGISLATE**

Rep. Richard H. Krueger for Commerce: The effect of this bill if enacted, would allow an insured motorist, who was at fault in an accident causing bodily injury to an uninsured vehicle, not be responsible for those injuries to that uninsured motorist. No matter where we travel in these United States, if we cause an accident resulting in bodily injury, every court in the land would find us liable for those injuries because we were at fault. We cannot allow a negligent insured motorist to avert the responsibility for bodily injury to another person just because that injured person was in an uninsured vehicle. Vote 16-3.

Adopted.

**HB 398**, allowing Delta Dental Plan of New Hampshire to issue plans to individuals. **OUGHT TO PASS**  
Rep. Toni M. Crosby for Commerce: This bill allows Delta Dental Plan of NH to market and issue dental insurance to individuals. Individuals unable to purchase group dental through their employer would now be able to purchase an individual dental plan. Dental and oral diseases may well be the most prevalent and preventable conditions affecting NH citizens. Having dental insurance promotes good dental health. Vote 18-0.

Adopted and ordered to third reading.

**HB 229-FN-A-L**, establishing a reading recovery training program and making an appropriation therefor. **OUGHT TO PASS**

Rep. Robert H. Guest for Education: Reading recovery is an early intervention program which provides intensive instruction by specially-trained teachers to first-grade pupils who are at risk of reading problems.

The demand at the local level for expanding the program has grown to where two more teacher leaders are needed. This state appropriation pays for these teacher leaders. The school districts pay salaries and benefits of the teachers who train the children. The state department of education coordinates the program. More than 88 school districts opted to join the program in the past year. The program is voluntary on the part of school districts and parents. Vote 16-3.

Adopted and referred to Finance.

**HB 262-FN-A-L**, establishing a National Information Infrastructure oversight committee, authorizing the department of education to hire a technology consultant, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jane O'Hearn for Education: The legislation establishes a National Information Infrastructure oversight committee for the purpose of developing and implementing a technology plan for New Hampshire secondary schools. The development of this plan is necessary to insure that all New Hampshire secondary schools have access to the Internet. The amendment addresses the consultant, who shall now come from qualified staff in the Department of Education. This legislation is a result of a 1996 interim study. Vote 15-3.

#### **Amendment (0153h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a National Information Infrastructure oversight committee.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall oversee the department of education which shall develop and implement a secondary school National Information Infrastructure technology plan using qualified staff from the department of education. The committee shall also determine the means of funding such plan.

Amend the bill by deleting section 6 and renumbering the original section 7 to read as 6.

#### **AMENDED ANALYSIS**

This bill establishes a National Information Infrastructure oversight committee to oversee the department of education in developing and implementing a secondary National Information Infrastructure school technology plan.

Adopted.

Report adopted and ordered to third reading.

**HB 149-FN**, relative to the regulation of the profession of physical therapy. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jon P. Beaulieu for Executive Departments and Administration: This bill as amended removes the oversight of physical therapy from the board of medicine and establishes the New Hampshire board of physical therapy to regulate physical therapists and specifies the board's rulemaking authority. The board will have rulemaking authority under RSA 541-A which will include investigatory process, hearing and disciplinary process relative to physical therapy. Vote 17-0 .

#### **Amendment (0162h)**

Amend RSA 328-A:9, I as inserted by section 4 of the bill by replacing it with the following:

I. The board shall undertake disciplinary proceedings upon its own initiative or upon written complaint of any person who alleges that a person licensed by the board has committed any of the following:

(a) Knowingly provided false information during any application for professional licensure or institutional practice privileges, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.

(b) Engaged in dishonest or unprofessional conduct or has been grossly or repeatedly negligent in practicing physical therapy or in performing activities ancillary to the practice of physical therapy or any particular aspect or specialty of physical therapy or harmed a patient as a result of performing those activities.

(c) Displayed a pattern of behavior which is incompatible with the basic knowledge and competence expected of persons licensed to practice physical therapy or any particular aspect or specialty of physical therapy.

(d) Employed or allowed an unlicensed person to practice physical therapy in the licensee's place of practice.

(e) Included in advertising any statement tending to deceive or mislead the public.

(f) Has been convicted of any criminal act under the laws of the United States or any state.

Amend RSA 328-A:9-a, IV(a) as inserted by section 5 of the bill to by replacing it with the following:

IV.(a) The board may administer oaths or affirmations, preserve testimony, and issue subpoenas for witnesses and for documents and things only in a formal investigation or an adjudicatory hearing, except that subpoenas for medical records, as provided in paragraph VI, may be issued at any time.

Amend RSA 328-A:9-a, V-IX as inserted by section 5 of the bill by replacing them with the following:

V. Prior to the issuance of any subpoena by the board, the department of justice shall review it and have the oversight and responsibility to ensure that such subpoena is properly served. The board shall reimburse the department of justice for any extraordinary costs incurred in connection with the review of subpoenas.

VI. The board may at any time subpoena medical records from its licensees and from hospitals and other health care providers licensed or certified in this state. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current license or certificate, and shall require no witness or other fee. At least 15 calendar days' notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

VII. All licensees shall notify the board of their current business and residence addresses. A licensee shall receive adequate notice of any hearing or other action taken under this chapter if notice is mailed in a timely fashion to the most recent home or business address furnished to the board by the licensee.

VIII. The board may at any time require a licensee or license applicant to provide a detailed, good faith written response to allegations of possible professional misconduct being investigated by the board. The board may also require the licensee or applicant, or the facility or institution in which the licensee or applicant practices physical therapy, to provide the board with complete copies of records concerning any patient whose treatment may be material to allegations of possible professional misconduct being investigated by the board. Licensees and applicants shall respond to either type of request within 15 calendar days from the date of the request, or within such greater time period as the board may specify.

IX. Any person may file a written complaint with the board which charges that a licensee or license applicant has engaged in professional misconduct or should not be licensed. Such complaints shall be treated as petitions for the commencement of disciplinary proceedings, shall be investigated by the board, and shall be exempt from the time limitations of RSA 541-A:29. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the board wishes to investigate or hear on its own motion. If an investigation of a complaint results in an offer of settlement by the licensee, the board may settle the allegations against the licensee without the consent of a complainant provided that material facts are not in dispute and the complainant is given an opportunity to comment on the terms of the proposed settlement.

Amend RSA 328-A:9-c as inserted by section 5 of the bill by replacing it with the following:  
 328-A:9-c Temporary Suspension; Imminent Threat. In cases involving imminent danger to life or health, the board may order suspension of a license pending hearing for a period of no more than 120 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be in writing and combined with a hearing notice which complies with RSA 328-A:9-b. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension equal to the additional time extended.

Amend RSA 328-A:14, IV as inserted by section 6 of the bill by replacing it with the following:  
 IV. Establishing standards and procedures for the approval of education programs and establishing continuing education requirements.

Amend RSA 328-A:14, IX as inserted by section 6 of the bill by replacing it with the following:

IX. How an applicant shall be examined.

Amend RSA 328-A:14, XII as inserted by section 6 of the bill by replacing it with the following:

XII. Publishing a schedule of administrative fines under RSA 328-A:9, II(f).

Adopted.

Rep. Mirski spoke against.

Rep. Beaulieu spoke in favor.

Report adopted and ordered to third reading.

**HB 197-FN**, relative to the regulation of wetland scientists. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Kipp A. Cooper for Executive Departments and Administration: This bill establishes qualifications for the certification of wetland scientists and places them under the Board of Natural Science. This certification is to protect the citizens of New Hampshire and the profession from unqualified practitioners of wetland science. This bill will increase the number of qualified scientists available to certify wetlands for local boards and commissions. Both soil scientists and wetland scientists are in support of this legislation as is the State Planning Department, the Department of Environmental Services and the Municipal Association. Vote 17-0.

#### Amendment (0186h)

Amend RSA 310-A:75 as inserted by section 1 of the bill by replacing it with the following:  
 310-A:75 Purpose. The general court finds it in the best interests of the citizens of the state of New Hampshire to establish the board of natural scientists *to certify and regulate* the [~~profession~~] *professions* of soil scientists *and wetland scientists*. This certification is to guard the citizens of New Hampshire and the [~~profession~~] *professions* from unqualified practitioners of soil science and *wetland science and* to foster intelligent application of the knowledge of soil properties *and wetland characteristics* in planning and implementing land use decisions *consistent with New Hampshire department of environmental services rules or standards adopted by the board*.

Amend the bill by replacing section 3 with the following:

3 Reference; Definition Modified. Amend RSA 310-A:76, II to read as follows:

II. "Certified soil scientist" means a person who, by reason of special knowledge of pedological principles acquired by professional education and practical experience, as specified by RSA 310-A:84, *I and II*, is qualified to [~~practice soil science;~~] *identify, classify, and prepare soil maps according to the standards of the National Cooperative Soil Survey, or standards adopted by the New Hampshire department of environmental services, or standards adopted by the board*, and who has been duly certified by the board.

Amend RSA 310-A:76, II-a as inserted by section 4 of the bill by replacing it with the following:

II-a. "Certified wetland scientist" means a person who, by reason of their special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries *and prepare wetland maps* in accordance with standards for identification of wetlands adopted by the [~~commissioner~~] *New Hampshire department of environmental services or the United States Army Corps of Engineers or its successor*, and who has been duly certified by the board.

Amend RSA 310-A:79, IV as inserted by section 8 of the bill by replacing it with the following:

IV. The determination of a hydric soil boundary or test pit evaluation to the extent permitted pursuant to RSA 485-A:35 for the purposes of septic system design or subdivision application pursuant to RSA 485-A or rules adopted under RSA 485-A. *For this work, a municipality shall not require qualifications different from those established pursuant to RSA 485-A:35.*

Amend the bill by replacing all after section 11 with the following:

12 Board Quorum Modified. Amend RSA 310-A:81, V to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. ~~[Three members shall constitute a quorum.]~~ *A quorum of the board shall consist of at least 4 members.*

13 Board's Responsibilities Regarding Roster Modified. Amend RSA 310-A:81, VII to read as follows:

VII. The secretary of the board shall ~~[publish]~~ *provide, upon request*, a roster listing the names and places of business of all soil scientists *and wetland scientists* certified under this subdivision by the board ~~[during February of each even-numbered year]~~. Copies of this roster shall be ~~[mailed to each person so certified;]~~ placed on file with the secretary of state~~[:]~~ and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

14 Rulemaking Authority for Qualifications Modified. Amend RSA 310-A:82, II to read as follows:

II. The qualifications of applicants ~~[in addition to those requirements]~~ under RSA 310-A:84, ~~[including]~~ *and* satisfactory evidence of good professional character.

15 Eligibility for Certification as Soil Scientist Modified. Amend the introductory paragraph of RSA 310-A:84, I to read as follows:

I. To be eligible for certification as a soil scientist, a person shall be of high ethical professional standards, have successfully passed an examination designed to determine the person's proficiency and qualifications, *including references to soil characteristics in the New England region*, to be engaged in the practice of soil science, and shall have one of the following qualifications:

16 Soil Scientist Qualifications for Certification Modified. Amend RSA 310-A:84, I(c) to read as follows:

(c) Be a graduate of an accredited college curriculum leading to a baccalaureate or associate degree, *or have earned the equivalent number of credits*, and have a specific record of an additional 6 or more years in the practice of soil science.

17 New Paragraphs; Qualification for Certification Added. Amend RSA 310-A:84 by inserting after paragraph II the following new paragraphs:

II-a. To be eligible for certification as a wetland scientist, a person shall meet the ethical standards as established in this chapter, have successfully passed an examination designed to determine proficiency and qualifications, *including references to wetland characteristics in the New England region*, to be engaged in the practice of wetland science, shall have *satisfactorily completed* a minimum of one year full-time experience in the practice of wetland science, and shall have a minimum of 24 combined *credit or non-credit* semester hours from any of the following environmental sciences: botany, soil science, hydrology, wetland science, biology, forestry, wildlife, ecology, water resources, plant science, agronomy, geology, or earth science.

II-b. Experience in the practice of wetland science shall be actual field experience gained in an acceptable apprenticeship program.

18 Apprenticeship Eligibility Modified. Amend RSA 310-A:85 to read as follows:

310-A:85 Apprentice.

I. To be eligible for recognition as an apprentice soil scientist, a person shall have the following qualifications:

[I.] (a) Be of responsible character;

[II.] (b) Have completed the formal education under RSA 310-A:84, I; and

[III.] (c) Be in training to become a certified soil scientist and be engaged in the practice of soil science under the direct supervision of a certified soil scientist who is performing soil science work.

II. *To be eligible for recognition as an apprentice wetland scientist, a person shall have the following qualifications:*

(a) *Be of responsible character;*

(b) *Have completed the formal education under RSA 310-A:84, II-a; and*

(c) *Be in training to become a certified wetland scientist and be engaged in the practice of wetland science under the direct supervision of a certified wetland scientist who is performing wetland science work.*

19 Paragraph Order Modified; Specifications for Applications to be Approved Added. RSA 310-A:86, II-III are repealed and reenacted to read as follows:

II. Any person who has successfully passed the examination or has otherwise qualified as a certified soil scientist, apprentice soil scientist, certified wetland scientist, or apprentice wetland scientist, shall, upon payment of a fee, be issued a certificate attesting that the applicant is a certified soil scientist, apprentice soil scientist, certified wetland scientist, or apprentice wetland scientist.

III. Applications *that meet the requirements of RSA 310-A:84* shall be approved.

20 Certificates Modified. Amend RSA 310-A:87 to read as follows:

310-A:87 Certificates. Certificates shall show the full name of the certified soil scientist ~~[or]~~, apprentice soil scientist, *certified wetland scientist, or apprentice wetland scientist*, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. Each certified soil scientist *or certified wetland scientist* shall obtain a seal of the design authorized by the board bearing the name of the certified ~~[soil scientist]~~ *individual*, the legend "Certified Soil Scientist" *or "Certified Wetland Scientist, as appropriate*, and a place for the certified ~~[soil scientist's]~~ *individual's* signature. Plans and reports prepared by a certified ~~[soil scientist]~~ *individual* shall be stamped with the seal and signed by the certified ~~[soil scientist]~~ *individual* during the life of the certificate.

21 Provision for Renewal of Certificate Modified. Amend RSA 310-A:89 to read as follows:

310-A:89 Certificate Renewal. Certificates may be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. The secretary shall notify each certified ~~[soil scientist]~~ or apprentice ~~[soil scientist]~~ *individual* one month prior to expiration of such certificate.

22 Board's Rulemaking Authority Modified. Amend RSA 310-A:92, I(d)-(e) to read as follows:

(d) Biennial renewal for *individuals* certified ~~[soil scientist]~~ *under this subdivision*.

(e) Application for certification as an apprentice soil scientist *or apprentice wetland scientist*.

23 Misconduct Sufficient to *Support* Disciplinary Proceedings Modified. Amend RSA 310-A:93, II(c)-(d) to read as follows:

(c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of soil science *or wetland science*.

(d) Unfitness or incompetency by reason of ~~[negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the professional expertise of the certified soil scientist]~~ *negligence or willful misconduct by a certified soil scientist or certified wetland scientist in the performance of professional duties*.

24 Scope of Penalty Application Expanded. Amend RSA 310-A:95 to read as follows:

310-A:95 Violations; Penalties. Any person who practices or offers to practice soil science *or wetland science* in this state for others without a certificate in accordance with this subdivision, or any person presenting or attempting to use the certificate or seal of another, or any person who gives any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a certificate, or any person who falsely impersonates any other certified soil scientist *or certified wetland scientist*, or any person who attempts to use an expired or non-existent or revoked certificate or authorization, or any person who violates any of the provisions of this subdivision, shall be guilty of a class B misdemeanor if a natural person, or guilty of a felony if ~~[a business organization]~~ *any other person*.

25 Terminology Modified. Amend RSA 310-A:96 to read as follows:

310-A:96 Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of RSA 310-A:95 on proceedings brought by the attorney general, the board, or any society of ~~[licensed]~~ *certified* soil scientists *or certified wetland scientists* duly incorporated under the laws of this state.

26 Active Wetland Scientists. Any person who, on the effective date of this section, is actively engaged in the practice of wetland science, as described in RSA 310-A:76, may apply, for one year after the board's adoption of rules relative to wetland scientists, to the board for certification without examination. The board shall approve such application, provided the applicant meets the requirements under RSA 310-A:84, II-a. Workshops in any of the referenced environmental sciences will be counted towards the combined semester hours. Twelve and one-half hours of study in a workshop, credit, or non-credit course relates to one semester hour. The board may waive 6 combined credit or non-credit semester hours for each one year of experience. A total of 18 combined credit or non-credit semester hours may be exchanged for a total of 3 years' experience.

27 Transition Period of the Board. The first 2 soil scientists to complete their current terms shall be replaced by the wetland scientist members of the board. The 2 additional public members shall be appointed no later than 60 days after the effective date of this act.

28 Repeal. The following are repealed:

I. RSA 310-A:93, II(f), relative to mental or physical incompetency to practice soil science constituting misconduct.

II. RSA 310-A:91, relative to waiver of examination requirements for certain soil scientists.

29 Effective Date. This act shall take effect July 1, 1997.

Adopted.

Report adopted and referred to Finance.

**HB 259-FN**, requiring all state forms requesting racial or ethnic status to allow for or include a biracial or multiracial option. **INEXPEDIENT TO LEGISLATE**

Rep. Kipp A. Cooper for Executive Departments and Administration: While the committee was sympathetic to the intent of the sponsor, it was discovered that most, if not all, forms used by the state requiring this information are mandated by the federal government. Any change to these state forms could result in the loss of federal funds. It was also discovered that the federal government is currently studying the issue of adding more racial and ethnic categories to forms requesting this information. Vote 15-2.

Adopted.

**HB 278**, relative to the doctrines of adverse possession and prescription. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deborah L. Woods for the Majority of Judiciary and Family Law: Wrongful taking of land by adverse possession is not a problem in New Hampshire. People are not intentionally encroaching on their neighbor's land in the hopes that they will own it after 20 years. Most parcels of land in New Hampshire are described by metes and bounds. Many of these descriptions are at least decades old and the properties have never been professionally surveyed. It is virtually impossible in some cases to determine title boundaries. If a dispute arose, this law may be the only way to solve the dispute. This common sense common law still serves a purpose in our state and should not be repealed. Vote 11-1.

Rep. David A. Bickford for the Minority of Judiciary and Family Law: Adverse possession is a means of taking possession of another's land by wrongfully occupying it for 20 years or more; often known as squatter's rights. Prescription is acquiring easements or right of ways over another's land after 20 years. These are old case laws (not statute) that were useful during colonial expansion. The laws encouraged colonists to till and lay claim to unproductive soil thereby expanding the empire. Manifest Destiny is behind us. These laws do more damage than good today by allowing neighbors to encroach upon another with the prospect of free ownership after 20 years if the rightful owner does not eject them or show proof of permission. The state and towns can purchase property they need by eminent domain. The state, towns and railroads have found it important to protect themselves by statute from adverse possession and prescription and so too should New Hampshire citizens.

Majority report adopted.

**HB 323**, establishing a right to work act which provides for freedom of choice on whether to join a labor union. **WITHOUT RECOMMENDATION**

Rep. Robert E. Clegg for Labor, Industrial and Rehabilitative Services: When an employer signs a Union Security clause, it sets in place a policy by which the employer requires, as a condition of employment, that money be taken from an employee's paycheck to support a private organization (the union). Supporters of this bill feel this practice is discriminatory. No employer should be able to abrogate the rights of his/her employees by such a policy. Supporting the bill: Reps. Gary L. Daniels, Wanda G. McNamara; Robert E. Clegg; Joseph D. Kenney; Lawrence V. Guaraldi; M. Virginia Burke; Richard E. Dolan; Gerard H. Lavoie; Roy D. Maxfield; and George D. Murch III. Vote 10-10.

Rep. Benjamin Baroody for Labor, Industrial and Rehabilitative Services: The only motion on which the Committee voted was Ought to Pass with Amendment. The motion would have failed 9-10, but the Committee Chairman voted and created a tie. In this country, no one can be forced to join or be a member of a labor union. The union must, by law, represent everyone covered by the

contract whether they are a member or not. Through Union Security clauses employees can be required to equally share the cost of collective bargaining. This can occur only when the employer agrees to it. This bill would interfere with the rights of employers as well as the employees. Major employers in New Hampshire have consistently opposed this legislation. This bill is not about individual freedom or discrimination. People who have religious objections to joining or paying fees to a union are already protected by law. The bill would allow individuals to get all the benefits of the contract without paying for them and put into law the practice of protecting free-loaders. Opposing the bill: Reps. Benjamin Baroody; Robert F. Turner; Franklin C. Bishop; Lars T. Christiansen; Edgar H. Mears; Lorraine R. Palmer; Jane P. Kelley; Rebecca C. Hutchinson; Gloria Seldin; and Donald D. Welch. Vote 10-10.

Rep. Daniels moved Ought to Pass with Amendment and offered a floor amendment.

### Floor Amendment (0316h)

Amend RSA 273-D:6 as inserted by section 1 of the bill by replacing it with the following:

273-D:6 Agreements in Violation, and Actions to Induce Such Agreements, Declared Illegal. Any agreement, understanding or practice, written or oral, implied or expressed, between any labor organization and employer which violates the rights of employees as guaranteed by the provisions of this chapter is hereby declared to be unlawful, null and void, and of no legal effect. Any strike, picketing, boycott, or other action, by a labor organization for the sole purpose of inducing or attempting to induce an employer to enter into any agreement prohibited under this chapter is hereby declared to be for an illegal purpose and is a violation of the provisions of this chapter.

Amend RSA 273-D:11 as inserted by section 1 of the bill by replacing it with the following:

273-D:11 Duty to Investigate. It shall be the duty of the attorney general to investigate any complaints of violation of this chapter, and to prosecute all persons violating any of its provisions, and to use all means at the attorney general's command to insure effective enforcement of the provisions of this chapter.

Rep. Daniels spoke in favor.

Adopted.

Reps. Mears, Dickinson and Turner spoke against and yielded to questions.

Reps. Larrabee, Murch and Daniels spoke in favor and yielded to questions.

Rep. Turner requested a roll call; sufficiently seconded.

The question being the adoption of the amended committee report.

## YEAS 157 NAYS 193

### YEAS 157

#### BELKNAP

|                   |               |                  |                |
|-------------------|---------------|------------------|----------------|
| Boyce, Robert     | Golden, Paul  | Holbrook, Robert | Hurt, George   |
| Laflam, Robert    | Lawton, David | Lawton, Robert   | Pilliod, James |
| Rice, Thomas, Jr. | Rosen, Ralph  | Veazey, John     | Ziegler, Alice |

#### CARROLL

|                    |                |                 |              |
|--------------------|----------------|-----------------|--------------|
| Babson, David, Jr. | Bradley, Jeb   | Chandler, Gene  | Cooper, Kipp |
| Howard, Godfrey    | Kenney, Joseph | Lyman, L. Randy | Mock, Henry  |
| Patten, Betsey     |                |                 |              |

#### CHESHIRE

|                    |            |                    |                   |
|--------------------|------------|--------------------|-------------------|
| Avery, Stephen     | Hunt, John | Metzger, Katherine | Royce, H. Charles |
| Steere, Myron, III |            |                    |                   |

#### COOS

|                 |                  |
|-----------------|------------------|
| Pratt, Leighton | Tholl, John, Jr. |
|-----------------|------------------|

#### GRAFTON

|                  |                        |                    |                 |
|------------------|------------------------|--------------------|-----------------|
| Akins, Ralph     | Alger, John            | Chase, Paul, Jr.   | Cobbin, Philip  |
| Eaton, Stephanie | Hinman, Harry          | MacNeil, Allen     | Mirski, Paul    |
| Phinney, William | Root, John             | Teschner, Douglass | Trelfa, Richard |
| Weber, Phil      | Williams, William, Jr. |                    |                 |

**HILLSBOROUGH**

|                       |                       |                     |                  |
|-----------------------|-----------------------|---------------------|------------------|
| Alukonis, David       | Amidon, Eleanor       | Arnold, Thomas, Jr. | Batula, Peter    |
| Belvin, William       | Bergin, Peter         | Boutin, David       | Briefs, Geoffrey |
| Brundige, Robert      | Burke, M. Virginia    | Calawa, Leon, Jr.   | Carlson, Donald  |
| Carney, Lauren        | Clegg, Robert, Jr.    | Daniels, Gary       | Dokmo, Cynthia   |
| Durham, Susan         | Feng, David           | Fenton, James       | Fields, Dennis   |
| Flora, Kathleen       | Golding, William      | Goulet, Maurice     | Hansen, Herbert  |
| Herman, Keith         | Holden, Carol         | Holley, Sylvia      | Hunter, Bruce    |
| Jean, Loren           | Kelley, Robert        | Kurk, Neal          | LaRose, Richard  |
| Lessard, Rudy         | Letendre, Evelyn      | Lozeau, Donnalee    | Luebker, Bernard |
| MacGillivray, Jeffrey | MacIntyre, Doris      | McGough, Tim        | McRae, Karen     |
| Melcher, Harold       | Mercer, Robert        | Milligan, Robert    | Mittelman, David |
| Morello, Michael      | Murch, George         | O'Hearn, Jane       | Piteri, Dawn     |
| Raiel, Frances        | Searles, Stanley, Sr. | Thulander, O. Alan  | White, Donald    |
| Wright, George        |                       |                     |                  |

**MERRIMACK**

|                 |                 |                   |                   |
|-----------------|-----------------|-------------------|-------------------|
| Adams, Stephen  | Anderson, Eric  | Brown, Mary       | Chandler, Earle   |
| Colburn, Thomas | Crowell, Peter  | Krueger, Patricia | Lamach, Bernard   |
| Langer, Ray     | Larrabee, David | Leber, William    | Marshall, Kenneth |
| Maxfield, Roy   | Morrill, Olive  | Nichols, Avis     | Whittemore, James |

**ROCKINGHAM**

|                    |                   |                     |                       |
|--------------------|-------------------|---------------------|-----------------------|
| Aranda, M. Kathryn | Arndt, Janet      | Beaulieu, Jon       | Belanger, Ronald      |
| Camm, Kevin        | Carson, Gregory   | Dearborn, Bruce     | Dolan, Richard        |
| Dowd, Sandra       | Dube, LeRoy       | Dunham, Vivian      | Fesh, Robert          |
| Flanders, David    | Francoeur, Sheila | Frechette, Joseph   | Gleason, John         |
| Heath, John        | Henderson, Warren | Langley, Jane       | Letourneau, Robert    |
| Major, Norman      | Malcolm, Kenneth  | McCarthy, John, Jr. | McKinney, Betsy       |
| Mikowski, Walter   | Moore, Benjamin   | Nowe, Ronald        | Noyes, Richard        |
| Raynowska, Bernard | Reardon, Neil     | Rubin, George       | Simmons, John Anthony |
| Smith, Kevin       | Stickney, Nancy   | Stritch, Charles    | Tufts, J. Arthur      |
| Varrell, Thomas    | Welch, David      | Weyler, Kenneth     | Woods, Deborah        |

**STRAFFORD**

|              |             |                  |                 |
|--------------|-------------|------------------|-----------------|
| Brown, Julie | Kaen, Naida | McKinley, Robert | Tsiros, William |
|--------------|-------------|------------------|-----------------|

**SULLIVAN**

|               |               |
|---------------|---------------|
| Adler, Rudolf | Kibbey, David |
|---------------|---------------|

**NAYS 193****BELKNAP**

|                |                |                    |                |
|----------------|----------------|--------------------|----------------|
| Boriso, Thomas | Clark, Charles | Salatiello, Thomas | Turner, Robert |
|----------------|----------------|--------------------|----------------|

**CARROLL**

|                        |                |                    |                   |
|------------------------|----------------|--------------------|-------------------|
| Dickinson, Howard, Jr. | Foster, Robert | MacDonald, Kenneth | Philbrick, Donald |
|------------------------|----------------|--------------------|-------------------|

**CHESHIRE**

|                    |                  |                     |                   |
|--------------------|------------------|---------------------|-------------------|
| Bonneau, Sarah     | Burnham, Daniel  | Champagne, Richard  | DePecol, Benjamin |
| Doucette, Richard  | Lynott, Margaret | Manning, Joseph     | Meador, David     |
| Pratt, Irene       | Pratt, John      | Richardson, Barbara | Riley, William    |
| Robertson, Timothy | Russell, Ronald  | Smith, Edwin        | Vogl, John        |

**COOS**

|                   |                 |                  |                |
|-------------------|-----------------|------------------|----------------|
| Bradley, Paula    | Coulombe, Henry | Coulombe, Yvonne | Davis, Perley  |
| Horton, Lynn      | Mears, Edgar    | Merrill, Gerald  | Moynihn, Wayne |
| St. Hilaire, Paul |                 |                  |                |

**GRAFTON**

Almy, Susan  
Guest, Robert  
Luker, Elsa

Below, Clifton  
Hill, Richard  
Nordgren, Sharon

Brown, Channing  
LaMott, Paul

Copenhaver, Marion  
Lovett, Sidney

**HILLSBOROUGH**

Allen, W. Gordon  
Buckley, Raymond  
Clemons, Jane  
Desrosiers, William  
Ferguson, Charles  
Gagnon, Eugene  
Haley, Robert  
Jean, Claudette  
Leishman, Peter  
Martin, Mary  
Murphy, Robert  
Reidy, Frank  
Welch, Donald

Asselin, Robert  
Cardin, Lori  
Clemons, Kevin, Sr.  
Drabinowicz, A. Theresa  
Foster, Joseph  
Ginsburg, Ruth  
Hall, Betty  
Johnson, Lionel  
Leonard, Peter  
McCarty, Winston  
Pepino, Leo  
Sargent, Maxwell  
Wheeler, Robert

Barody, Benjamin  
Chabot, Robert  
Cote, Peter  
Dyer, Merton  
Foster, Linda  
Gosselin, Gerald  
Hart, Nick  
L'Heureux, Robert  
Lynde, Harold  
McDonald, James, Sr.  
Perkins, Paul  
Turgeon, Roland  
White, Jay

Bernier, Shannon  
Christiansen, Lars  
D'Allesandro, Lou  
Emerton, Lawrence, Sr.  
Gage, Ruth  
Haettenschwiller, Alphonse  
Holt, David  
Lefebvre, Roland  
MacAuslan, Rita  
Messier, Irene  
Peterson, Andrew  
Vaillancourt, Steve

**MERRIMACK**

Burney, Carol  
Feuerstein, Martin  
Hess, David  
Moore, Carol  
Rogers, Katherine  
Wallner, Mary Jane

Daneault, Gabriel  
Fraser, Marilyn  
Hoadley, Elizabeth  
Owen, Derek  
Seldin, Gloria  
Whalley, Michael

DeStefano, Stephen  
French, Barbara  
Jacobson, Alf  
Pflaff, Terence  
St. Cyr, Gerard  
Yeaton, Charles

Dunn, Miriam  
Gile, Mary  
Lockwood, Robert  
Reardon, Tara  
Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis  
Case, Margaret  
Coes, Betsy  
Downing, Michael  
Guthrie, Joseph  
Katsakiores, Phyllis  
Langone, John  
O'Keefe, Patricia  
Schanda, Frank

Battles-Peirce, Marjorie  
Cegelis, Mark  
Cooney, Richard  
Flanagan, Natalie  
Hutchinson, Rebecca  
Kelley, Jane  
McGovern, Cynthia  
Packard, Sherman  
Syracusa, Anthony

Bishop, Franklin  
Christie, Andrew, Jr.  
Cushing, Robert  
Flanders, John, Sr.  
Johnson, Robert  
Klemm, Arthur, Jr.  
Micklon, Stephanie  
Pantelakos, Laura  
Vaughn, Charles

Blanchard, MaryAnn  
Clark, Martha  
Dowling, Patricia  
Gibbons, Paul  
Katsakiores, George  
Kobel, Rudolph  
Norelli, Terie  
Sabella, Norma  
Weatherspoon, Jackie

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Hemon, Roland  
Lundborn, Raymond  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Franklin

Bickford, David  
DeChane, Marlene  
Hilliard, Dana  
McCann, William, Jr.  
Pelletier, Marsha  
Snyder, Clair  
Twardus, Joseph

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Vachon, Dennis

Brown, George  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Rollo, Michael  
Torr, Ann  
Wall, Janet

**SULLIVAN**

Allison, David  
Ferland, Brenda  
Lindblade, Eric

Burling, Peter  
Flint, Gordon  
Palmer, Lorraine

Cloutier, John  
Krueger, Richard  
Schotanus, Merle

Donovan, Thomas  
Leone, Richard  
Wiggins, Celestine

and the report failed.

Rep. Hager did not vote and wished to be recorded against.

Rep. McGuirk wished to be recorded against.

Rep. Morris wished to be recorded in favor.

Rep. Turner moved Inexpedient to Legislate.

Adopted.

**HB 178-L**, limiting property taxes to 3 percent of the fair valuation of property in the city or town. **INEXPEDIENT TO LEGISLATE**

Rep. Laura C. Pantelakos for Local and Regulated Revenues: The committee unanimously voted this bill inexpedient to legislate after much discussion and debate, and after consideration of a proposed amendment. Although the idea of a 3 percent cap on local property taxes might sound like a good idea, after hearing from many towns and cities, all of whom opposed the bill, the committee decided that this decision should be left to the option of our local cities, towns, and local taxpayers, and should not be mandated by state law. Vote 16-0.

Rep. Steere spoke against.

Rep. Linda Foster spoke in favor

Rep. Mary Brown spoke against and yielded to questions.

Rep. Hess spoke in favor.

Rep. Mary Brown requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 305 NAYS 41

### YEAS 305

#### BELKNAP

|                   |               |                    |                |
|-------------------|---------------|--------------------|----------------|
| Boriso, Thomas    | Boyce, Robert | Clark, Charles     | Golden, Paul   |
| Holbrook, Robert  | Hurt, George  | Lawton, David      | Lawton, Robert |
| Rice, Thomas, Jr. | Rosen, Ralph  | Salatiello, Thomas | Turner, Robert |
| Ziegler, Alice    |               |                    |                |

#### CARROLL

|                        |                    |                 |                |
|------------------------|--------------------|-----------------|----------------|
| Babson, David, Jr.     | Bradley, Jeb       | Chandler, Gene  | Cooper, Kipp   |
| Dickinson, Howard, Jr. | Foster, Robert     | Howard, Godfrey | Kenney, Joseph |
| Lyman, L. Randy        | MacDonald, Kenneth | Mock, Henry     | Patten, Betsey |
| Philbrick, Donald      |                    |                 |                |

#### CHESHIRE

|                     |                    |                    |                   |
|---------------------|--------------------|--------------------|-------------------|
| Avery, Stephen      | Bonneau, Sarah     | Champagne, Richard | DePecol, Benjamin |
| Doucette, Richard   | Hunt, John         | Lynott, Margaret   | Manning, Joseph   |
| Meador, David       | Metzger, Katherine | Pratt, Irene       | Pratt, John       |
| Richardson, Barbara | Riley, William     | Royce, H. Charles  | Russell, Ronald   |
| Smith, Edwin        | Vogl, John         |                    |                   |

#### COOS

|                 |                  |                  |                 |
|-----------------|------------------|------------------|-----------------|
| Bradley, Paula  | Coulombe, Henry  | Coulombe, Yvonne | Davis, Perley   |
| Horton, Lynn    | Mears, Edgar     | Merrill, Gerald  | Moynihan, Wayne |
| Pratt, Leighton | Tholl, John, Jr. |                  |                 |

#### GRAFTON

|                  |                    |                  |                        |
|------------------|--------------------|------------------|------------------------|
| Akins, Ralph     | Almy, Susan        | Below, Clifton   | Brown, Channing        |
| Chase, Paul, Jr. | Copenhaver, Marion | Eaton, Stephanie | Hill, Richard          |
| Hinman, Harry    | LaMott, Paul       | Lovett, Sidney   | Luker, Elsa            |
| MacNeil, Allen   | Mirski, Paul       | Nordgren, Sharon | Phinney, William       |
| Root, John       | Teschner, Douglass | Trelfa, Richard  | Williams, William, Jr. |

#### HILLSBOROUGH

|                  |                     |                   |                         |
|------------------|---------------------|-------------------|-------------------------|
| Allen, W. Gordon | Alukonis, David     | Amidon, Eleanor   | Arnold, Thomas, Jr.     |
| Asselin, Robert  | Baroody, Benjamin   | Batula, Peter     | Belvin, William         |
| Bergin, Peter    | Bernier, Shannon    | Boutin, David     | Brundige, Robert        |
| Buckley, Raymond | Calawa, Leon, Jr.   | Cardin, Lori      | Carney, Lauren          |
| Chabot, Robert   | Cote, Peter         | D'Allesandro, Lou | Daigle, Robert          |
| Daniels, Gary    | Desrosiers, William | Dokmo, Cynthia    | Drabinowicz, A. Theresa |
| Durham, Susan    | Fenton, James       | Ferguson, Charles | Fields, Dennis          |

Flora, Kathleen  
Gagnon, Eugene  
Goulet, Maurice  
Hansen, Herbert  
Jean, Claudette  
L'Heureux, Robert  
Letendre, Evelyn  
MacAuslan, Rita  
McCarty, Winston  
Melcher, Harold  
Morello, Michael  
Perkins, Paul  
Sargent, Maxwell  
Vaillancourt, Steve

Foster, Joseph  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Herman, Keith  
Johnson, Lionel  
LaRose, Richard  
Lozeau, Donnalee  
MacGillivray, Jeffrey  
McDonald, James, Sr.  
Mercer, Robert  
Murch, George  
Peterson, Andrew  
Searles, Stanley, Sr.  
Wheeler, Robert

Foster, Linda  
Golding, William  
Haley, Robert  
Holden, Carol  
Kelley, Robert  
Leonard, Peter  
Luebkert, Bernard  
MacIntyre, Doris  
McGough, Tim  
Messier, Irene  
O'Hearn, Jane  
Piteri, Dawn  
Thulander, O. Alan  
White, Jay

Gage, Ruth  
Gosselin, Gerald  
Hall, Betty  
Holt, David  
Kurk, Neal  
Lessard, Rudy  
Lynde, Harold  
Martin, Mary  
McRae, Karen  
Milligan, Robert  
Pepino, Leo  
Reidy, Frank  
Turgeon, Roland  
Wright, George

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Leber, William  
Morrill, Olive  
Reardon, Tara  
Wallin, Jean  
Yeaton, Charles

Burney, Carol  
DeStefano, Stephen  
French, Barbara  
Hoadley, Elizabeth  
Marshall, Kenneth  
Nichols, Avis  
Rogers, Katherine  
Wallner, Mary Jane

Chandler, Earle  
Dunn, Miriam  
Gile, Mary  
Krueger, Patricia  
Maxfield, Roy  
Owen, Derek  
Seldin, Gloria  
Whalley, Michael

Crowell, Peter  
Feuerstein, Martin  
Hager, Elizabeth  
Lamach, Bernard  
Moore, Carol  
Pfaff, Terence  
St. Cyr, Gerard  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Belanger, Ronald  
Carson, Gregory  
Clark, Martha  
Dearborn, Bruce  
Fesh, Robert  
Francoeur, Sheila  
Guthrie, Joseph  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
McKinney, Betsy  
Nowe, Ronald  
Pantelakos, Laura  
Schanda, Frank  
Stritch, Charles  
Weatherspoon, Jackie

Aranda, M. Kathryn  
Bishop, Franklin  
Case, Margaret  
Coes, Betsy  
Dowd, Sandra  
Flanagan, Natalie  
Frechette, Joseph  
Heath, John  
Katsakiores, George  
Langley, Jane  
Malcolm, Kenneth  
Micklon, Stephanie  
Noyes, Richard  
Raynowska, Bernard  
Simmons, John Anthony  
Syracusa, Anthony  
Welch, David

Arndt, Janet  
Blanchard, MaryAnn  
Cegelis, Mark  
Cooney, Richard  
Downing, Michael  
Flanders, David  
Gibbons, Paul  
Henderson, Warren  
Katsakiores, Phyllis  
Langone, John  
McCarthy, John, Jr.  
Mikowski, Walter  
O'Keefe, Patricia  
Reardon, Neil  
Smith, Kevin  
Tufts, J. Arthur  
Weyler, Kenneth

Battles-Peirce, Marjorie  
Camm, Kevin  
Christie, Andrew, Jr.  
Cushing, Robert  
Dube, LeRoy  
Flanders, John, Sr.  
Gleason, John  
Hutchinson, Rebecca  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McGovern, Cynthia  
Norelli, Terie  
Packard, Sherman  
Sabella, Norma  
Stickney, Nancy  
Vaughn, Charles  
Woods, Deborah

### STRAFFORD

Berube, Roger  
Brown, Julie  
Grassie, Anne  
Keans, Sandra  
McKinley, Robert  
Pelletier, Marsha  
Snyder, Clair  
Tsiros, William

Bickford, David  
Callaghan, Frank  
Hemon, Roland  
Knowles, William  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Twardus, Joseph

Brennan, William  
DeChane, Marlene  
Hilliard, Dana  
Lundborn, Raymond  
Merritt, Deborah  
Rollo, Michael  
Torr, Ann  
Vachon, Dennis

Brown, George  
Dunlap, Patricia  
Kaen, Naida  
McCann, William, Jr.  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Franklin  
Wall, Janet

**SULLIVAN**

|                  |                    |                 |                  |
|------------------|--------------------|-----------------|------------------|
| Adler, Rudolf    | Allison, David     | Burling, Peter  | Cloutier, John   |
| Donovan, Thomas  | Ferland, Brenda    | Flint, Gordon   | Kibbey, David    |
| Krueger, Richard | Leone, Richard     | Lindblade, Eric | Palmer, Lorraine |
| Schotanus, Merle | Wiggins, Celestine |                 |                  |

**NAYS 41**

**BELKNAP**

|                |                |              |
|----------------|----------------|--------------|
| Laflam, Robert | Pilliod, James | Veazey, John |
|----------------|----------------|--------------|

**CARROLL**

None

**CHESHIRE**

|                 |                    |                    |
|-----------------|--------------------|--------------------|
| Burnham, Daniel | Robertson, Timothy | Steere, Myron, III |
|-----------------|--------------------|--------------------|

**COOS**

St. Hilaire, Paul

**GRAFTON**

|             |                |             |
|-------------|----------------|-------------|
| Alger, John | Cobbin, Philip | Weber, Phil |
|-------------|----------------|-------------|

**HILLSBOROUGH**

|                    |                    |                        |                    |
|--------------------|--------------------|------------------------|--------------------|
| Briefs, Geoffrey   | Burke, M. Virginia | Carlson, Donald        | Christiansen, Lars |
| Clegg, Robert, Jr. | Dyer, Merton       | Emerton, Lawrence, Sr. | Feng, David        |
| Hart, Nick         | Holley, Sylvia     | Jean, Loren            | Lefebvre, Roland   |
| Leishman, Peter    | Mittelman, David   | Murphy, Robert         | Riley, Frances     |
| White, Donald      |                    |                        |                    |

**MERRIMACK**

|                |                 |                  |               |
|----------------|-----------------|------------------|---------------|
| Adams, Stephen | Brown, Mary     | Colburn, Thomas  | Jacobson, Alf |
| Langer, Ray    | Larrabee, David | Lockwood, Robert |               |

**ROCKINGHAM**

|                 |                |                   |                |
|-----------------|----------------|-------------------|----------------|
| Beaulieu, Jon   | Dolan, Richard | Dowling, Patricia | Dunham, Vivian |
| Moore, Benjamin | Rubin, George  | Varrell, Thomas   |                |

**STRAFFORD**

None

**SULLIVAN**

None

and the report was adopted.

Rep. Hunter did not vote and wished to be recorded in favor.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Mary Brown requested that her protest be entered on the Journal.

Considering the fact that property taxes in New Hampshire are doubling every eight years; and considering the fact that rates are rising more that three times the rate of inflation; and considering that there appears to be no prospect of managing and controlling that rate of increase, I feel it is the duty of this legislative body to address the issue on the state level. A property tax cap is one option that should not be dismissed out of hand.

The adverse effects of excessively high property taxes are detrimental to the individual tax payer, to the community whose tax base thus erodes, and ultimately to the economic well-being of this state. It is short-sighted not to at least study this suggestion. To allow property taxes to increase unchecked may ultimately lead to a statewide braodbased tax, ironically the tax we most wish to avoid.

## PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Cobbin requested that his protest be entered on the Journal.

The Chairman of Local and Regulated Revenues claims this bill would be a mandate jingling the chain of threatened judicial review to guarantee the people are denied the relief they desire and need. I further adopt, by reference, Rep. Mary Brown's protest as my own.

## REGULAR CALENDAR (CONT'D.)

**HB 471**, relative to the method of refund of the road toll paid by private school bus companies. **OUGHT TO PASS**

Rep. Katherine D. Rogers for Public Works and Highways: This bill would clean-up a process that became muddy last year when New Hampshire entered the International Fuel Tax Agreement (IFTA) and placed the tax on diesel fuel at the pump. It would allow private school bus companies to apply for a refund directly to the NH Department of Safety instead of having to traverse a long and indirect bureaucratic trail that currently exists. Vote 15-2.

Adopted and ordered to third reading.

**HR 14**, exempting the house committee to study the investigation of the late Judge Fairbanks from the December 13, 1996 deadline for filing legislation. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Rules.: This resolution is unwarranted because no member of the Fairbanks Study Committee requested it. Additionally this does not prevent members from requesting suspension of the Rules in order to file legislation at any time in the future. Vote 10-0.

Adopted.

**HB 120-FN**, amending certain license fees and making various technical changes to the fish and game laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill was the request of the NH Fish and Game Department in an effort to make numerous changes to various licenses and permits. Twenty fees are changed to reflect equity with neighboring states, some are eliminated entirely while others are adjusted to encourage greater sales. This bill is not intended to be a substantial revenue producer but merely a bill to keep licenses and fees current and repeal those which are no longer useful. Vote 15-0.

## Amendment (0198h)

Amend the bill by replacing section 3 with the following:

3 Reference to Helper's Requirements Removed. Amend RSA 211:20 to read as follows:

211:20 Helper's License. Any person licensed under the provisions of RSA 211:18 may get a helper's license which entitles him to have the help of a person in the taking of lobsters or crabs [~~if the helper meets the requirements set forth by RSA 211:23~~]. The helper's license may be transferred to any one helper employed by the licensee, but may not be transferred to a person who previously had a lobster license which [~~was suspended~~] *is under suspension*. A helper may assist, set, or haul pots or traps or any other device used in the taking of lobsters and crabs only in the presence of and aboard the boat of a person licensed under the provisions of RSA 211:18, and who holds a valid helper's license. The fee for a helper's license is \$10.

Amend the bill by replacing section 6 with the following:

6 References Added; Nonresident Commercial Salt Water License Fee Changed; Helper's License Requirement Removed. Amend RSA 211:49-a, I and II to read as follows:

I. Any person who does not qualify as a resident under RSA 207:1, who takes, possesses, lands, or transports by any method, from or on the waters of this state, regardless of where the catch was taken, any marine species by any method for the purpose of selling the same, shall first procure a valid license from the executive director to do so. A nonresident shall not take [~~lobsters~~] *clam worms, lobster, or crabs, excluding green crabs* from the waters *and from the area* under the jurisdiction of this state. A nonresident shall not take sea urchins *or scallops* unless the state in which such person is a resident provides a reciprocal licensing privilege for residents of this state.

II. The fee for an annual license shall be [~~equivalent to the price of a nonresident license fee in the state from which the operator of the vessel claims residence, but such fee shall be not less than \$200~~] *\$300*. The license shall be for the operator of the boat, vessel, flotation device, or gear,

and helpers ~~[up to 3 in number]~~; provided, however, that helpers shall not be allowed for the taking of sea urchins *or scallops* by diving. ~~[An additional annual helper's license shall be possessed for each helper in excess of 3 at a fee of \$10 per license. Said helper's license or licenses may be transferred to any helper employed by the operator.]~~

Amend the bill by replacing all after section 22 with the following:

23 Minors Hunting; Reference to Nonresident Minors Added. Amend RSA 207:2-a to read as follows:

207:2-a Minors Hunting

I. No person shall knowingly permit any minor, *including a nonresident minor*, less than 16 years of age to hunt using a firearm, bow and arrow, or crossbow and bolt, except when accompanied by a person at least 18 years of age who is properly licensed for said activity. In accordance with RSA 626:8, II(b), such person shall be held criminally liable and fully accountable for any damage incurred or for any violations which may be committed by the minor under the age of 16 while hunting using a firearm, bow and arrow, or crossbow and bolt.

II. No minor, *including a nonresident minor*, under the age of 16 shall hunt using a firearm, bow and arrow, or crossbow and bolt, except when accompanied by a person at least 18 years of age who is properly licensed for said activity.

24 Nonresident Hunting License; Nonresident Minors Added. Amend RSA 214:9, VI to read as follows:

VI. If the applicant is a nonresident, *including a nonresident minor*, and wishes to hunt, \$69.50, and the agent shall thereupon issue a nonresident hunting license which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

25 Repeal. The following are repealed:

I. RSA 211:18-b, relative to green crabs.

II. RSA 211:39-a, relative to wholesale dealer's license of lobsters and crabs.

III. RSA 214:9, II-a, relative to resident warmwater fishing licenses.

IV. RSA 214:9, VII, relative to nonresident minor's hunting license.

V. RSA 214:9, VIII(d), relative to nonresident minor's fishing license.

VI. RSA 214:9, VIII-a, relative to nonresident warmwater fishing licenses.

VII. RSA 214:9, XIII(b), relative to group fishing license restrictions.

VIII. RSA 214:9, XIV, relative to coyote hunting at night licenses.

IX. RSA 214:30, relative to rights of special licensees.

X. RSA 214:31, relative to applications for special licenses.

26 Effective Date. This act shall take effect January 1, 1998.

### AMENDED ANALYSIS

This bill:

I. Changes references to green crabs, clam worms, lobster and crab licenses, and helper's licenses.

II. Adds new provisions clarifying scientific permits and taxidermy permits.

III. Amends license fees for various retail and wholesale dealers, family fishing licenses, summer camp or educational facility fishing licenses, fur buyers, scientific permits, various commercial and recreational marine licenses, and the super sporting license.

IV. Adds a minimum age to purchase a license for nonresident fishing.

V. Changes the fee for a nonresident, commercial salt water license.

VI. Makes a variety of housekeeping and technical changes to the fish and game laws.

VII. Repeals the coyote night hunting license, clam worm license, green crab license, wholesale dealer license for lobster and crab, nonresident and resident warmwater fishing license, nonresident minor's hunting license, group fishing license, and special licenses.

This bill is a request of the fish and game department.

Adopted.

Report adopted and ordered to third reading.

**HB 200-FN**, prohibiting the use of leghold traps and "conibear" traps. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Dennis F. Abbott for the Majority of Wildlife and Marine Resources: This bill faced strong opposition from the Fish and Game Department, Farm Bureau, Department of Transportation, NH Wildlife Federation, local officials and a multitude of sportspersons not involved in trapping not

to mention the trapping community as well. Testimony offered by supporters of this measure regarding domestic animals, particularly dogs, being captured in traps was compelling, but the severity and frequency of these incidents certainly does not warrant the prohibition of trapping as conducted in this state. Most incidents involving dogs can be attributed to free running animals which are themselves in violation of current laws. Conversely there have been tragic incidents involving injury and death to animals but these occurrences are the exception. There were approximately fourteen reported incidents of animals caught in traps during the preceding six years. Trapping has been and should continue to be a lawful pursuit for it serves a useful purpose as a management tool for controlling wildlife overpopulation and solving nuisance complaints in our growing and complex society. A prohibition regarding the use of traps would also have a significant financial impact on many towns, cities and private citizens. Trapping is also one of the most regulated activities and it is pursued by a diminishing number of sportspersons in this state. And as one individual testified at the all day hearing "most New Hampshire residents oppose laws that restrict their freedoms" and this bill seeks to do that Vote 14-1.

Rep. Shannon L. Bernier for the Minority of Wildlife and Marine Resources: This bill is not anti-trapping. It simply would regulate the two most inhumane trapping devices, the leghold and conibear traps. The cruelest of all, the leghold trap, is still used today by 388 people in New Hampshire. Why? Not because of economic necessity; it no longer exists. Not because of the need for game management; equally as effective and more humane methods now exist. The minority asserts that this is a matter of stopping cruelty.

Reps. Wallin, Katherine Rogers, Bernier and Vaillancourt spoke against.

Rep. Abbott spoke in favor and yielded to questions.

Reps. Pfaff and Mock spoke in favor.

Rep. Mock requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 286 NAYS 57

### YEAS 286

#### BELKNAP

|                  |                |                   |                |
|------------------|----------------|-------------------|----------------|
| Boriso, Thomas   | Boyce, Robert  | Clark, Charles    | Golden, Paul   |
| Holbrook, Robert | Hurt, George   | Lafam, Robert     | Lawton, David  |
| Lawton, Robert   | Pilliod, James | Rice, Thomas, Jr. | Turner, Robert |
| Veazey, John     | Ziegra, Alice  |                   |                |

#### CARROLL

|                        |                 |                |                   |
|------------------------|-----------------|----------------|-------------------|
| Babson, David, Jr.     | Bradley, Jeb    | Chandler, Gene | Cooper, Kipp      |
| Dickinson, Howard, Jr. | Howard, Godfrey | Kenny, Joseph  | Lyman, L. Randy   |
| MacDonald, Kenneth     | Mock, Henry     | Patten, Betsey | Philbrick, Donald |

#### CHESHIRE

|                    |                    |                    |                     |
|--------------------|--------------------|--------------------|---------------------|
| Avery, Stephen     | Bonneau, Sarah     | Champagne, Richard | DePecol, Benjamin   |
| Hunt, John         | Lynott, Margaret   | Manning, Joseph    | Meador, David       |
| Metzger, Katherine | Pratt, Irene       | Pratt, John        | Richardson, Barbara |
| Riley, William     | Robertson, Timothy | Royce, H. Charles  | Russell, Ronald     |
| Smith, Edwin       | Steere, Myron, III | Vogl, John         |                     |

#### COOS

|                 |                   |                  |                 |
|-----------------|-------------------|------------------|-----------------|
| Bradley, Paula  | Coulombe, Henry   | Coulombe, Yvonne | Davis, Perley   |
| Horton, Lynn    | Mears, Edgar      | Merrill, Gerald  | Moynihan, Wayne |
| Pratt, Leighton | St. Hilaire, Paul | Tholl, John, Jr. |                 |

#### GRAFTON

|                  |                        |                    |                  |
|------------------|------------------------|--------------------|------------------|
| Alger, John      | Almy, Susan            | Brown, Channing    | Chase, Paul, Jr. |
| Cobbin, Philip   | Eaton, Stephanie       | Hill, Richard      | Hinman, Harry    |
| LaMott, Paul     | Lovett, Sidney         | MacNeil, Allen     | Mirski, Paul     |
| Phinney, William | Root, John             | Teschner, Douglass | Trelfa, Richard  |
| Weber, Phil      | Williams, William, Jr. |                    |                  |

**HILLSBOROUGH**

Allen, W. Gordon  
 Batula, Peter  
 Briefs, Geoffrey  
 Carney, Lauren  
 Cote, Peter  
 Drabinowicz, A. Theresa  
 Fenton, James  
 Foster, Linda  
 Gosselin, Gerald  
 Hansen, Herbert  
 Holley, Sylvia  
 Johnson, Lionel  
 LaRose, Richard  
 Lozeau, Donnalee  
 MacIntyre, Doris  
 McRae, Karen  
 Milligan, Robert  
 Murphy, Robert  
 Piteri, Dawn  
 Searles, Stanley, Sr.  
 Wheeler, Robert

Alukonis, David  
 Belvin, William  
 Burke, M. Virginia  
 Chabot, Robert  
 D'Allesandro, Lou  
 Dyer, Merton  
 Ferguson, Charles  
 Gage, Ruth  
 Goulet, Maurice  
 Hart, Nick  
 Holt, David  
 Kelley, Robert  
 Lefebvre, Roland  
 Luebckert, Bernard  
 McCarty, Winston  
 Melcher, Harold  
 Mittelman, David  
 Pepino, Leo  
 Reidy, Frank  
 Thulander, O. Alan  
 White, Donald

Amidon, Eleanor  
 Bergin, Peter  
 Calawa, Leon, Jr.  
 Christiansen, Lars  
 Daniels, Gary  
 Emerton, Lawrence, Sr.  
 Fields, Dennis  
 Gagnon, Eugene  
 Haettenschwiller, Alphonse  
 Herman, Keith  
 Hunter, Bruce  
 Kurk, Neal  
 Lessard, Rudy  
 Lynde, Harold  
 McDonald, James, Sr.  
 Mercer, Robert  
 Morello, Michael  
 Perkins, Paul  
 Riley, Frances  
 Turgeon, Roland  
 White, Jay

Arnold, Thomas, Jr.  
 Boutin, David  
 Carlson, Donald  
 Clegg, Robert, Jr.  
 Desrosiers, William  
 Feng, David  
 Foster, Joseph  
 Golding, William  
 Haley, Robert  
 Holden, Carol  
 Jean, Loren  
 L'Heureux, Robert  
 Letendre, Evelyn  
 MacGillivray, Jeffrey  
 McGough, Tim  
 Messier, Irene  
 Murch, George  
 Peterson, Andrew  
 Sargent, Maxwell  
 Welch, Donald  
 Wright, George

**MERRIMACK**

Adams, Stephen  
 Colburn, Thomas  
 Feuerstein, Martin  
 Hess, David  
 Langer, Ray  
 Marshall, Kenneth  
 Owen, Derek  
 Whalley, Michael

Anderson, Eric  
 Crowell, Peter  
 Fraser, Marilyn  
 Jacobson, Alf  
 Larrabee, David  
 Maxfield, Roy  
 Pfaff, Terence  
 Whittemore, James

Brown, Mary  
 Daneault, Gabriel  
 French, Barbara  
 Krueger, Patricia  
 Leber, William  
 Morrill, Olive  
 Reardon, Tara

Chandler, Earle  
 Dunn, Miriam  
 Hager, Elizabeth  
 Lamach, Bernard  
 Lockwood, Robert  
 Nichols, Avis  
 St. Cyr, Gerard

**ROCKINGHAM**

Abbott, Dennis  
 Beaulieu, Jon  
 Camm, Kevin  
 Christie, Andrew, Jr.  
 Dearborn, Bruce  
 Downing, Michael  
 Flanagan, Natalie  
 Gibbons, Paul  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Langone, John  
 McCarthy, John, Jr.  
 Nowe, Ronald  
 Pantelakos, Laura  
 Schanda, Frank  
 Stritch, Charles  
 Weyler, Kenneth

Aranda, M. Kathryn  
 Belanger, Ronald  
 Carson, Gregory  
 Clark, Martha  
 Dolan, Richard  
 Dube, LeRoy  
 Flanders, David  
 Gleason, John  
 Hutchinson, Rebecca  
 Klemm, Arthur, Jr.  
 Letourneau, Robert  
 McKinney, Betsy  
 Noyes, Richard  
 Raynowska, Bernard  
 Simmons, John Anthony  
 Tufts, J. Arthur  
 Woods, Deborah

Arndt, Janet  
 Bishop, Franklin  
 Case, Margaret  
 Coes, Betsy  
 Dowd, Sandra  
 Dunham, Vivian  
 Flanders, John, Sr.  
 Guthrie, Joseph  
 Johnson, Robert  
 Kobel, Rudolph  
 Major, Norman  
 Mikowski, Walter  
 O'Keefe, Patricia  
 Reardon, Neil  
 Smith, Kevin  
 Varrell, Thomas

Battles-Peirce, Marjorie  
 Blanchard, MaryAnn  
 Cegelis, Mark  
 Cooney, Richard  
 Dowling, Patricia  
 Fesh, Robert  
 Frechette, Joseph  
 Heath, John  
 Katsakiores, George  
 Langley, Jane  
 Malcolm, Kenneth  
 Norelli, Terie  
 Packard, Sherman  
 Rubin, George  
 Stickney, Nancy  
 Welch, David

**STRAFFORD**

Berube, Roger  
 Dunlap, Patricia  
 Keans, Sandra  
 Rogers, Rose Marie  
 Torr, Franklin

Bickford, David  
 Grassie, Anne  
 Lundborn, Raymond  
 Rollo, Michael  
 Tsiros, William

Brown, George  
 Hemon, Roland  
 McKinley, Robert  
 Sullivan, Henry  
 Wall, Janet

Callaghan, Frank  
 Kaen, Naida  
 Merritt, Deborah  
 Torr, Ann

**SULLIVAN**

Adler, Rudolf  
Donovan, Thomas  
Krueger, Richard  
Schotanus, Merle

Allison, David  
Ferland, Brenda  
Leone, Richard

Burling, Peter  
Flint, Gordon  
Lindblade, Eric

Cloutier, John  
Kibbey, David  
Palmer, Lorraine

**NAYS 57****BELKNAP**

Rosen, Ralph

**CARROLL**

None

**CHESHIRE**

Burnham, Daniel

Doucette, Richard

**COOS**

None

**GRAFTON**

Akins, Ralph

Copenhaver, Marion

Luker, Elsa

Nordgren, Sharon

**HILLSBOROUGH**

Asselin, Robert  
Buckley, Raymond  
Durham, Susan  
Leishman, Peter  
O'Hearn, Jane

Baroody, Benjamin  
Cardin, Lori  
Ginsburg, Ruth  
Leonard, Peter  
Vaillancourt, Steve

Bernier, Shannon  
Daigle, Robert  
Hall, Betty  
MacAuslan, Rita

Brundige, Robert  
Dokmo, Cynthia  
Jean, Claudette  
Martin, Mary

**MERRIMACK**

Burney, Carol  
Moore, Carol  
Wallner, Mary Jane

DeStefano, Stephen  
Rogers, Katherine  
Yeaton, Charles

Gile, Mary  
Seldin, Gloria

Hoadley, Elizabeth  
Wallin, Jean

**ROCKINGHAM**

Cushing, Robert  
Micklon, Stephanie  
Weatherspoon, Jackie

Francoeur, Sheila  
Sabella, Norma

Kelley, Jane  
Syracusa, Anthony

McGovern, Cynthia  
Vaughn, Charles

**STRAFFORD**

Brennan, William  
McCann, William, Jr.  
Smith, Marjorie

DeChane, Marlene  
Merrill, Amanda  
Snyder, Clair

Hilliard, Dana  
Pelletier, Arthur  
Twardus, Joseph

Knowles, William  
Pelletier, Marsha  
Vachon, Dennis

**SULLIVAN**

Wiggins, Celestine

and the report was adopted.

Rep. Drabinowicz voted yea and meant to vote nay.

Rep. Twardus voted nay and meant to vote yea.

Rep. Morris wished to be recorded in favor.

**HB 681**, relative to penalties for certain violations of fish and game laws and granting rulemaking authority to the executive director relative to registration agent fees for wild turkey permits. **OUGHT TO PASS**

Rep. Mark A. Cegelis for Wildlife and Marine Resources: This bill accomplishes three things: a) It increases the penalty from a violation to a misdemeanor for killing a moose during the closed season or for exceeding the bag limit. This places this valuable resource in par with the white-tailed deer, b) It allows the executive director to determine an agents fee for issuing a permit to hunt wild turkeys, and c) It reduces the penalty from a misdemeanor to a violation for a violation

of rules pertaining to lands and waters under the executive directors control, i.e. State game refuges, lands under the control of the director, division of forests and lands, (DRED) and federal authority or lessees as outlined in 212:19. Vote 15-0.

Adopted and ordered to third reading.

**HB 499**, establishing a committee to study the provision by the state of certain economic, medical and social support services to individuals whose misconduct resulted in the need for service. **IN-EXPEDIENT TO LEGISLATE**

Rep. Charles W. Ferguson for Health, Human Services and Elderly Affairs: The committee found many problems with the bill. The duties of the study committee were very vague. The term "willful misconduct" in the bill dealt with conduct which in some instances might not be illegal, but which the sponsor thought was willful. An example was not wearing a helmet on a motorcycle and suffering an accident. This bill would prohibit care and treatment for such an accident. Vote 17-0. Rep. Rosen spoke against.

Rep. Ferguson spoke in favor.

Adopted.

**HB 315-L**, expanding certain financial powers of village districts. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: This bill grants village districts the same authority granted to selectmen regarding their financial powers in RSA 31:95-b, RSA 31:95-e and RSA 33:7,II which makes the village districts operate more efficiently. Vote 17-0.

Rep. Cobbin spoke in favor.

Adopted and ordered to third reading.

**HB 509-A**, relative to repairing and resurfacing the access road to the Gunstock Ski Area. **IN-EXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Public Works and Highways: This bill would appropriate \$280,000 for the repair and resurfacing of the access road to the Gunstock Ski Area. While the committee agrees that the more properly named "Belknap Recreation Area" is an economic benefit to the county and the state, the committee agrees with the Department of Transportation that this is essentially a "private driveway" and that to use state highway trust fund moneys on private roads would be an unwise precedent. The  $\frac{3}{4}$  mile road is in poor condition and in need of repairs, but state funds should not be used. Vote 19-0.

Rep. Rice spoke against.

Rep. Gene Chandler spoke in favor.

Adopted.

**HB 403**, prohibiting the use of trotlines to take fish. **OUGHT TO PASS**

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill was the request of the NH Fish and Game Department in an effort to prohibit the use of trotlines as a means of fishing. A trotline is a long line with many hooks baited along its length generally used in commercial fishing situations. They have no place as an accepted method of recreational freshwater fishing in this state. Vote 14-0.

Adopted and ordered to third reading.

## RECONSIDERATION

Having voted with the prevailing side, Rep. Dickinson moved that the House reconsider its action whereby it adopted Inexpedient to Legislate on **HB 323**, establishing a right to work act which provides for freedom of choice on whether to join a labor union.

Rep. Dickinson spoke against.

Reconsideration lost.

## SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit the Rules Committee to meet without the proper notice following today's session for the purpose of considering the introduction of bills after the deadline.

Adopted by the necessary two-thirds.

**RESOLUTION**

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 26, 1997 at 1:00 p.m. Adopted.

**LATE SESSION****Third reading and final passage**

**HB 222-L**, relative to pooled risk management programs.

**HB 338**, repealing certain requirements relative to the duty to deliver a copy of process to prisoners.

**HB 348-FN**, allowing the state fire marshal to investigate a building collapse or release of carbon monoxide.

**HB 289-L**, authorizing annual school district meetings to be held at multiple locations.

**HB 277**, relative to the option to process absentee ballots before closing of polls.

**HB 140**, relative to the sale of apples and relative to maple syrup and sap hydrometers and orders issued by the commissioner for noncompliance with the laws regulating maple and honey products.

**HB 158**, creating a committee to study the establishment of a New Hampshire volunteer program.

**HB 264**, relative to technical committees advising the director of the office of information technology management on technical issues.

**HB 401**, repealing the prospective repeal of the healthy kids corporation.

**HB 189**, excluding rooms and rental units leased or subleased from charitable organizations under a transitional housing program from the definition of "tenancy" for the purposes of landlord/tenant laws.

**HB 228**, relative to the definition of "club-veterans" under the liquor laws.

**HB 309**, increasing the time for a local legislative body to act on a proposed interim zoning regulation.

**HB 208-L**, relative to the status of roads laid out by the courts of common pleas or the county commissioners.

**HB 307**, relative to the adoption of local river corridor management plans by planning boards.

**HB 254**, relative to shared tenant telecommunication services.

**HB 390**, relative to quarantine of captive wildlife.

**HB 157**, requiring persons marketing small consumer loans by offering inducement checks to print a disclosure on the inducement checks.

**HB 398**, allowing Delta Dental Plan of New Hampshire to issue plans to individuals.

**HB 262-FN-A-L**, establishing a National Information Infrastructure oversight committee.

**HB 149-FN**, relative to the regulation of the profession of physical therapy.

**HB 471**, relative to the method of refund of the road toll paid by private school bus companies.

**HB 120-FN**, amending certain license fees and making various technical changes to the fish and game laws.

**HB 681**, relative to penalties for certain violations of fish and game laws and granting rulemaking authority to the executive director relative to registration agent fees for wild turkey permits.

**HB 315-L**, expanding certain financial powers of village districts.

**HB 403**, prohibiting the use of trotlines to take fish.

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 193.

Rep. Nowe, Sen. Barnes for the Committee

**UNANIMOUS CONSENT**

Rep. Fuller Clark addressed the House.

Rep. Lockwood moved that the remarks made by Rep. Jacobson be printed in the Journal.

Adopted.

Rep. Jacobson addressed the House.

Thank you Madam Speaker. Fifty-two years ago today, I and some 60,000 fellow Marines assaulted the island of Iwo Jima. Originally scheduled for a three-day battle, it turned out to be a 36-day

battle, one of the bloodiest, if not the bloodiest, battle of the war. Part of the reason was that we fought the war differently from other battles that we had fought. The Japanese fought it under the ground. They had 11 miles of tunnels. We fought it above the ground. No single spot of the island was free of danger. The result was that thousands of my fellow Marines were killed in the battle and many more thousands were wounded. Each year that I have been in the legislature, I have stopped for these few moments to honor those who gave the utmost. They gave their lives so that I and all of you can be free. They made the ultimate sacrifice. After 36 days, I boarded a ship for Honolulu and from that moment on to this day, I have had nothing but lucky days. Thank you.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill reports and enrolled bill amendments only.

Adopted.

The House recessed at 4:20 p.m.

### RECESS

(Rep. Carson in the Chair)

### RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Gene Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 25 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HOUSE BILL

#### First, second reading and referral

**HB 25-A**, making appropriations for capital improvements. (G. Chandler, Carr 1: Public Works and Highways)

### RESOLUTION

Rep. Gene Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 16, 19, 22, 30, 32, 41, 42 and 157 and Senate Joint Resolution numbered 1 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SENATE BILLS and SJR

#### First, second reading and referral

**SB 16**, relative to drinking water rules for public water systems. (Resources, Recreation and Development)

**SB 19**, establishing a committee to study the environmental impact of businesses extracting water from the state's resources for sale. (Resources, Recreation and Development)

**SB 22**, relative to health benefit plans sponsored by qualified franchise associations. (Commerce)

**SB 30-L**, relative to time of dog licensure. (Municipal and County Government)

**SB 32**, relative to dogs at large. (Municipal and County Government)

**SB 41**, relative to the time for filing requests for a hearing with the department of labor concerning violations of the whistleblower protection act (Labor, Industrial and Rehabilitative Services).

**SB 42**, relative to the authority of the labor commissioner to revoke the license of an employee leasing company for violations of the labor laws. (Labor, Industrial and Rehabilitative Services)

**SB 157**, adding the name of Martin Luther King, Jr. to Civil Rights Day. (Executive Departments and Administration)

**SJR 1**, recognizing the town of Brentwood as the county seat of Rockingham county. (Municipal and County Government)

### RECESS

**(Rep. Manning in the Chair)****RESOLUTION**

Rep. McGovern offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 4, 5, 10, 12, 13, 17, 18, 21, 24, 26, 27, 29, 31, 35, 39, 44, 48, 60, 63, 64, 70, 72, 76, 86, 87, 90, 94, 97, 98, 103, 110, 115, 116, 121, 123, 128, 129, 133 through 135, 138, 139, 145, 146, 152 through 156, 158, 163 through 165, 175, 183, Constitutional Amendment Concurrent Resolution numbered 12 and Senate Joint Resolution numbered 2 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS, CACR and SJR****First, second reading and referral**

**SB 4**, relative to patient information. (Health, Human Services and Elderly Affairs)

**SB 5**, relative to deposits and investments by trustees of town trust funds in credit unions and in mutual funds. (Municipal and County Government)

**SB 10**, relative to funds for prearranged funerals or burial plans. (Commerce)

**SB 12**, establishing a Northern New England Interstate Commission on Economic Development. (Commerce)

**SB 13**, relative to continuing education for claims adjusters. (Labor, Industrial and Rehabilitative Services)

**SB 17**, restricting check collection charges by creditors and debt collectors. (Commerce)

**SB 18**, relative to the sale of certain items at flea markets. (Commerce)

**SB 21**, excepting persons who are 17 years old and graduated from high school from the youth employment law. (Labor, Industrial and Rehabilitative Services)

**SB 24**, relative to prescriptions for certain controlled drugs. (Health, Human Services and Elderly Affairs)

**SB 26**, preventing recovery by a nonsupporting parent in a wrongful death claim or action on behalf of the nonsupported child until child support arrearages are paid in full. (Judiciary and Family Law)

**SB 27**, allowing municipalities to take inventories of property as often as state law allows property tax bills to be issued. (Local and Regulated Revenues)

**SB 29**, establishing a pet overpopulation trust. (Environment and Agriculture)

**SB 31**, relative to rabies certificates. (Environment and Agriculture)

**SB 35**, including "accessibility lift" within the definition of "elevator". (Health, Human Services and Elderly Affairs)

**SB 39**, relative to the delivery of bank products and services. (Commerce)

**SB 44**, establishing a committee to study the building of a state-owned liquor store in the city of Keene. (Local and Regulated Revenues)

**SB 48-FN**, to provide an optional retirement program for certain employees of the department of regional community-technical colleges. (Executive Departments and Administration)

**SB 60-FN**, excluding claims against New Hampshire hospital which are under \$500 from the jurisdiction of the state board of claims. (Executive Departments and Administration)

**SB 63-FN**, relative to access to motor vehicle records. (Transportation)

**SB 64-FN-A**, exempting motor fuel used for automobile racing from road toll taxation. (Public Works and Highways)

**SB 70**, establishing a committee to examine campaign finance reform. (Election Law)

**SB 72**, relative to the New Hampshire life and health guaranty association, changing the order of distribution for policy holders and claimants in the case of insurer insolvency and repealing the law relative to the interstate insurance receivership compact. (Commerce)

**SB 76**, limiting the liability of school districts operating facilities for skateboarding, rollerblading or rollerskiing. (Judiciary and Family Law)

**SB 86-FN**, requiring the division of motor vehicles to report those in default to a consumer reporting agency. (Transportation)

**SB 87**, relative to permissible agreements between beverage manufacturers and vendors and beverage wholesale distributors. (Local and Regulated Revenues)

**SB 90-FN**, requiring all proposed legislation affecting independently owned small businesses to include an analysis of the cost of the legislation. (Legislative Administration)

- SB 94-L**, relative to the financing of the New Hampshire civic center commission. (Finance)
- SB 97-L**, relative to polling hours. (Election Law)
- SB 98-FN**, relative to the submission of youth employment certificates to employers. (Labor, Industrial and Rehabilitative Services)
- SB 103**, establishing a committee to study issues relating to the licensing of child day care centers. (Health, Human Services and Elderly Affairs)
- SB 110-L**, allowing the Coos county convention to revise the compensation of the county sheriff. (Municipal and County Government)
- SB 115-L**, establishing a committee to study issues relating to the withdrawal of a receiving district from an area school district. (Education)
- SB 116-FN**, relative to the regulation of rural electric cooperatives by the public utilities commission. (Science, Technology and Energy)
- SB 121**, authorizing state-chartered financial institutions to engage in certain insurance activities. (Commerce)
- SB 123**, relative to shellfish harvesting areas. (Wildlife and Marine Resources)
- SB 128**, increasing the membership of the university system study committee. (Education)
- SB 129**, relative to manufactured housing deeds. (Commerce)
- SB 133**, relative to the task force on perinatal chemical dependency. (Health, Human Services and Elderly Affairs)
- SB 134**, establishing a committee to study the certificate of need board and RSA 151-C. (Health, Human Services and Elderly Affairs)
- SB 135**, adopting the uniform "transfer on death" security registration act. (Commerce)
- SB 138**, establishing teacher appreciation day. (Education)
- SB 139**, authorizing banks to invest trust funds in bank-affiliated investments. (Commerce)
- SB 145-L**, relative to the definition of "open space land" for purposes of current use taxation. (Environment and Agriculture)
- SB 146**, establishing a committee to study the issue of reducing the number of years of service required to be vested in the retirement system plan from 10 years to 5 years. (Executive Departments and Administration)
- SB 152**, establishing a committee to study issues related to allowing the city of Manchester to adopt a 2-year budget cycle. (Municipal and County Government)
- SB 153**, requiring a check-off box on a driver's license application form relative to having the social security number indicated on the driver's license. (Transportation)
- SB 154**, relative to charter schools. (Education)
- SB 155**, requiring the division of educational improvement, department of education, to prepare and adopt a plan for providing special education to inmates in the state prison system and county correctional facilities. (Education)
- SB 156**, establishing a committee to study issues relating to providing special education services to eligible pupils who are incarcerated in the state prison system and county correctional facilities. (Education)
- SB 158-FN-A**, relative to the funding of beach erosion control projects along the south side of the Hampton Harbor Inlet. (Public Works and Highways)
- SB 163**, relative to the Uniform Anatomical Gift Act. (Health, Human Services and Elderly Affairs)
- SB 164**, establishing a committee to study the establishment of a registry for intellectual property. (Commerce)
- SB 165**, relative to Medicare and health maintenance organizations and small employer and individual insurance. (Commerce)
- SB 175**, establishing a committee on the feasibility of installing rumble strips before toll booths. (Public Works and Highways)
- SB 183-FN**, relative to liquor licenses for a sports/entertainment complex. (Local and Regulated Revenues)
- CACR 12**, relating to returning annual legislative sessions to biennial legislative sessions. Providing that the general court shall meet biennially. (Legislative Administration)
- SJR 2**, relative to federal funding under the Individuals with Disabilities Education Act. (Education)

## RECESS

### (Speaker Sytek in the Chair)

Rep. Channing Brown moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 9

Wednesday, February 26, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Anna C. Beach of the Bow Mills United Methodist Church.

O creator God, we thank You for this day, for the beautiful land that You have given us, and for the freedom we enjoy. We thank You that we are Your children, created in Your image, and that You have assured us that, while we are intent upon following Your will, You will hear our needs. We pray for Your blessing and guidance upon these men and women who have gathered here to discern the needs of Your people in New Hampshire. May their deliberations be carried out in a spirit of truth and justice. Grant them sincerity to persistently seek the things that endure, refusing those which perish. May they seek the truth in the issues debated and voted upon today and every day of this legislative session. May each person here grow in that love which is the life of all people. We pray for this state and its people and communities where many find themselves amid the perplexities of change. We ask that You help these leaders of the people to be ever mindful of the needs of the persons whom they represent. In the midst of controversial issues, give them open minds and hearts that will enable them to consider the greatest good for the people of this state. We know, O God, that even when people try their best to do what is right, there is always the possibility of misjudgment. We ask that where an error has been made that You direct corrective action; and where anything is amiss that You give guidance for reform. We also ask that You give the strength and ability to those assembled here to protect the spirit of the laws passed by their predecessors that still uphold the basic foundation of freedom that has sustained the people of New Hampshire. Give this body wisdom and understanding, and inspire the minds of all to whom have been given the responsibility of government and leadership. Give to them the vision of truth and justice, that by their counsel, peace and justice may be served. Give them strength and charity that, as leaders, they may do their work, seeking not the good of any party or faction, but of all people. Endow each person here with a right understanding, pure purposes and sound speech. Enable them to rise above all self-seeking and party zeal to the nobler concern of the public good. We ask Your special blessing upon our Governor as she leads this state towards the new century. Help us, in good times and in distress, to trust Your mercy and yield to Your power, this day and for ever. Amen.

Rep. Ziegler led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Allison, Beaulieu, Julie Brown, Burke, Clegg, Felch, Flanagan, Beverly Gage, Gibbons, Guay, Hawkinson, Cecelia Kane, Knowles, Lovejoy, O'Connell, Paul Taylor, Vincent and Weatherspoon, the day, illness.

Reps. Ameen, Battles-Peirce, Bickford, Boriso, Chabot, Dawe, Dodge, Dowd, Flora, Fraser, Griffin, Haley, Hall, Hurt, Lavoie, Lynott, William McCarthy, McRae, Morello, Morrill, O'Keefe, Owen, Palmer, Pfaff, Piteri, Katherine Rogers, Seldin, Simmons, Marjorie Smith, Spear, Stone and Wallner, the day, important business.

### INTRODUCTION OF GUESTS

Sandra Paradis, guest of Rep. Buckley. Linda, Katherine and Christopher Henderson, wife and children of Rep. Henderson. Matthew O'Hearn and Jack Lauramore, son and guest of Rep. O'Hearn. Casey and Allison DeStefano, daughters of Rep. DeStefano. Nanine Dufour and Melissa Frechette, wife and daughter of Rep. Frechette. Abbie Woods, daughter of Rep. Woods. Carrie and Kate McGonagle and Michele and Katherine Roome, guests of Rep. Alukonis. Constance Shea and Martin Hannigan, guests of Rep. Dolan.

### SPECIAL GUESTS

Steffan, Amanda, David and Lynn Legasse, guests of Rep. John Pratt.

The Franklin Pierce College Women's Soccer team, guests of Rep. William Riley.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 151**, establishing comprehensive medical, physical and psychological standards for law enforcement officers, removed by Rep. Dolan.

**HCR 10**, urging recognition of the contributions made by the Irish potato famine immigrants and observation of the 150<sup>th</sup> anniversary of the Great Hunger, removed by Rep. Dwyer.

**HB 310**, repealing RSA 14-B, relative to the legislative ethics committee, removed by Rep. Hemon. Consent Calendar adopted.

**HB 104-FN**, requiring a plea bargaining agreement to be submitted to the court for judgment at least 2 weeks prior to the trial date. **INEXPEDIENT TO LEGISLATE**

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: The committee felt this would interfere with the courts authority to establish its own rules governing the operations of the court as a separate but equal branch of government. There was testimony that the superior courts have plea bargain rules in place even though they differ slightly in their time frame. There was no factual testimony that this proposal would clear the court dockets faster or reduce costs to the courts. We felt it also might infringe on the defendants right to enter a plea at any time prior to or during a trial. Lastly, if this bill were to pass, it would add a hearing to the courts caseload placing a further financial burden on the court and all parties involved. Vote 17-0.

**HB 249**, clarifying the authority of local police officers to serve cease and desist orders against planning and zoning violations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The original bill added law enforcement officials to those who may serve cease and desist orders and our amendment adds building inspector, code enforcement officer or zoning administrator. We felt if they could issue cease and desist orders, they should also be able to serve them if necessary. Vote 17-0.

### Amendment (0099h)

Amend the title of the bill by replacing it with the following:

**AN ACT** clarifying the authority of certain officials and law enforcement officers to serve cease and desist orders against planning and zoning violations.

Amend RSA 676:17-a, II as inserted by section I of the bill by replacing it with the following:

II. The order shall be served upon the record owner of the property or the record owner's agent, and upon the person to whom taxes are assessed for the property, if other than the owner, and upon any occupying tenant of the property, and upon any other person known by the enforcing officer to exercise control over the premises in violation, and upon all persons holding mortgages upon such property as recorded in the office of the register of deeds, in the same manner provided for service of a summons in a civil action in district court. *Personal service may be made by a building inspector, code enforcement officer, zoning administrator, sheriff, deputy sheriff, local police officer, or constable.* If the owner is unknown or cannot be found, the order shall be served by posting it upon the property and by 4 weeks' publication in a newspaper in general circulation in the municipality.

### AMENDED ANALYSIS

This bill clarifies the authority of certain officials and law enforcement officers to serve cease and desist orders against planning and zoning violations.

**HB 313**, clarifying the authority of security officers on the New Hampshire hospital campus. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: As it stands now, the security officers only have authority in the buildings used by three state agencies. Numerous other buildings are vacant and if people go in there for any reason, the security force has no authority to act. By passing this proposal, we would allow the security officers to have authority on the whole 106 acre campus. Our amendment deletes section 2 of the original bill which repealed their training requirements. Vote 16-0.

**Amendment (0269h)**

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

**HB 358**, allowing victims of domestic violence to terminate a lease if a protective order has been secured. **INEXPEDIENT TO LEGISLATE**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The committee felt that to promote this bill would create as many new problems as the sponsor indicated the current legislation allows. Additional testimony from landlords and the landlord association indicated that hardship cases are already handled informally between tenants and landlords. Vote 15-0.

**HB 392**, changing references to the "BOCA Basic Building Code" to "BOCA National Building Code." **OUGHT TO PASS**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill also makes changes in references and specifies how and when certain rules will take effect as well as authorizing the commissioner to amend specifications to more exactly fit New Hampshire's requirements. Vote 15-0.

**HB 318**, making technical changes to the provisions relating to school administrative units. **OUGHT TO PASS**

Rep. David E. Larrabee for Education: This bill is a housekeeping measure making technical changes to provisions relating to organizing, re-organizing, or withdrawing from School administrative units. The term of an SAU study committee was aligned to the original legislative intent, the State Board of Education's recommendations only role was clarified as were voting procedures. Vote 16-0.

**HB 162**, eliminating the opportunity of a political party to submit a person's name for candidacy after the filing period for individuals has passed. **INEXPEDIENT TO LEGISLATE**

Rep. C. Donald Stritch for Election Law: The Committee felt that this bill addressed one part of the bi-annual election process—the filing period in June. It does not address the primary "open window" nor was a mechanism offered that would solve ballot vacancies due to health, re-location, and/or death. Presently, the appropriate political party has the option to fill such vacancies with the said appointed candidate being processed in the same manner as another declared candidate. In the absence of this process another mechanism should be available. Vote 15-0.

**HB 183**, relative to the state representative districts of towns. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold, Jr. for Election Law: The N.H. Constitution permits the districting of towns. The Legislature has never provided a process for effecting districts. This bill provides the mechanism for a town with multiple representatives to institute any combination of representative districts and at-large election of state representatives. This bill is enabling, not mandatory. Vote 14-0.

**Amendment (0193h)**

Amend RSA 662-A:4, I-VIII as inserted by section 1 of the bill by replacing it with the following:

I. The redistricting commission shall consist of 5 members, all of whom shall be registered voters of the town appointed by the town moderator.

II. The town clerk shall within 7 days after the appointment of the commission members, notify those appointed to the commission of the date, time and place of the organizational meeting of the commission. Such date, time and place shall be fixed by the clerk and 7 days' notice of the organizational meeting shall be given. The commission shall organize by electing from its members a chairperson, vice chairperson and a secretary and shall file notice thereof with the town clerk. Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the town. Members shall serve without compensation.

III. The commission may adopt rules governing the conduct of its meetings and proceedings. A town shall provide its redistricting commission, free of charge, with suitable office space and with reasonable access to facilities for holding public hearings, may contribute clerical and other assistance to such commission, and shall permit it to consult with and obtain advice and information from municipal officers, officials and employees during ordinary working hours. A town may from time to time appropriate additional funds to the commission.

IV. The commission shall proceed to determine how to divide the town into representative districts. Any such division shall be based on population figures determined at the latest federal decennial census. Any proposal for division recommended by the commission shall provide for equality of representation in accordance with the principle of one-person, one-vote.

V.(a) Within 14 days after its organizational meeting, the redistricting commission shall hold a public meeting for the purpose of receiving information, views, comments and other pertinent material relative to its functions.

(b) Within 90 days after its appointment, the commission shall prepare a preliminary report including the text of the proposal for new districts which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable. The preliminary report shall be submitted to the secretary of state for approval pursuant to RSA 662 A:5.

(c) Within 225 days after its appointment, the commission shall submit to the town officers its final report, which shall include the full text and explanation of the redistricting proposal and such comments as the commission deems desirable.

(d) All public hearings before the commission shall be held within the town at such times and places as may be specified in a notice published at least 7 days prior to the hearing in a newspaper having general circulation in the town. Hearings may be adjourned from time to time without further published notice.

VI. Upon the filing of the final report, the town officers shall order the redistricting proposal to be submitted to the voters at the next regular town election pursuant to RSA 662-A:6.

VII. Upon the submission of the final report, the commission shall be dissolved.

### **HB 252**, relative to posting of bylaws in advance of any town election. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold, Jr. for Election Law: This bill requires that towns which adopt bylaws governing distribution of campaign materials and/or elections shall post them permanently in the town clerk's office so candidates will "know the rules" and 72 hours prior to an election at each polling place so individuals engaged in distribution of campaign materials or other electioneering activities will "know the rules". Vote 15-0.

#### **Amendment (0262h)**

Amend the bill by replacing section 1 with the following:

1 Requirement for Posting of Bylaws Added. Amend RSA 31:41-c to read as follows:

31:41-c Electioneering. Towns shall have the power to make bylaws regulating the distribution of campaign materials or electioneering or any activity which affects the safety, welfare and rights of voters at any election held for any purpose in such town. Such power shall not extend to the display of printed or written matter attached to any legally parked motor vehicle, nor shall such power extend to activities conducted wholly on private property so as not to interfere with people approaching or entering a polling place. Failure to conform to bylaws adopted under this section shall constitute a violation. Bylaws adopted under this section ~~may~~ *shall be permanently posted in the town clerk's office immediately following adoption, and posted at each polling place 72 hours in advance of any town election*~~[-at the town clerk's office].~~

#### **AMENDED ANALYSIS**

This bill requires that bylaws regulating the distribution of campaign materials or electioneering or any activity which affects the safety, welfare, and rights of voters at any election held for any purpose in a town be permanently posted in the town clerk's office immediately following adoption, and posted at each polling place 72 hours in advance of any town election. Current law makes such posting optional.

### **HB 308**, relative to opening hours for polling places. **INEXPEDIENT TO LEGISLATE**

Rep. Nick Hart for Election Law: The Committee felt polling hours should be more uniform. In almost every city and town which voted on this question, those in favor of 8 a.m. to 7 p.m. won overwhelmingly. The Committee responded to the voters' wishes. Vote 16-0.

**HB 333-FN-L**, establishing a fine for political advertising placed or affixed prior to the date permitted by statute or placed on or affixed to any public property. **RE-REFER TO COMMITTEE**  
Rep. Raymond C. Buckley for Election Law: The sponsor requested that we re-refer this bill while our committee studies constitutional questions as they relate to political advertising. Vote 16-0.

**HB 345**, relative to the hours polls are open in cities and towns. **INEXPEDIENT TO LEGISLATE**  
Rep. Nick Hart for Election Law: The Committee felt the voters wanted to stabilize the voting hours when they voted on the average 3 to 1 for polling hours of 8 a.m. to 7 p.m. Vote 15-1.

**HB 407**, relative to absentee voting. **INEXPEDIENT TO LEGISLATE**  
Rep. Nick Hart for Election Law: The Committee felt there was some merit in this bill. However, the possibility of irregularities outweighed the benefits for the very few who would be served by the bill. Vote 14-0.

**HR 10**, requesting that certain media entities refrain from prematurely proclaiming the winners in state and federal elections. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Lynn C. Horton for Election Law: This resolution urges television and radio broadcasters located both in and out of state to refuse to broadcast reports of exit polls and predictions or calls about the outcome of elections while the polls are still open. Vote 18-0.

#### **Amendment (0203h)**

Amend the resolution by replacing all after the title with the following:

Whereas, the state of New Hampshire is dedicated to conducting elections of the highest possible quality and to allowing the public to have the most accurate and truthful information about elections that is available; and

Whereas, television and radio are 2 of the most common sources of information available to, and utilized by, the citizens of New Hampshire regarding the conduct and outcome of elections; and

Whereas, television and radio networks and stations contemporaneously monitor in various ways the votes reportedly cast at polls throughout the state; and

Whereas, those same entities report to the public their predictions or their "calls" as to which candidate will win any particular race long before all polls have closed and therefore, long before any accurate assessment of the outcome of any race could be obtained; and

Whereas, such reporting by television and radio entities is by its very nature inaccurate and often misleading, and is, therefore, harmful to the candidates running for public office as well as the voters interested in valid and precise information about the outcome of elections; and

Whereas, refusal on the part of television and radio entities to broadcast reports based upon exit polls and similar sources predicting or "calling" the outcome of elections long before all the polls are closed would prevent the adverse effect on the candidates and the general public; now, therefore, be it

Resolved by the House of Representatives:

That the house of representatives hereby urges television and radio broadcasters located both in the state and out of the state to refuse to broadcast, within the scope of their authority, reports of the purported outcome of exit polls and predictions or "calls" about the outcome of elections as the voting process is being conducted; and

That copies of this resolution, signed by the speaker of the house, be forwarded by the house clerk to the ABC, CBS, CNN, FOX, and NBC networks, and to all television and radio stations and broadcasting companies operating within the state of New Hampshire.

**HB 256-FN**, establishing uniform adjudicative proceedings for state agencies and establishing a pilot program for adjudicative hearings. **RE-REFER TO COMMITTEE**

Rep. Merton S. Dyer for Executive Departments and Administration: The committee voted to re-refer this bill to the committee. This bill goes back to SB 90 of the 95 session. The department of health and human services indicated to the subcommittee that under reorganization they would be willing to conduct a pilot program as outlined in the bill. The agency will supply a hearings officer to the administratively attached boards to assist them in conducting an adjudicative hearing. The "Board" members sitting for the hearing will make the decision with input from the attorney generals office. The person conducting the hearing will not participate in the deliberations. The office of the attorney general will provide general guideline for hearings to the "board" members and the hearings office at health and human services will conduct informational sessions for "Board" members. The ad-hoc committee consisting of agency hearings officials, members of the ED&A committee and representatives of health and human services will monitor the progress. We request re-referral to hold the bill in the event we find any legislation might be required after a few months trial. If the pilot program is successful, legislation will be considered that would expand the program, through the department of administrative service to other small boards and commissions. Vote 18-0.

**HB 265**, repealing certain rulemaking authority of the commissioner of transportation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill, with the amendment, will assist the Department of Transportation with complying with a recent audit of the Department of Transportation. The bill, with the amendment, will make rulemaking optional until such time as the federal government ceases to oversee issuing of securities for certain carriers and relative to investigating railroad accidents. Vote 18-0.

#### **Amendment (0242h)**

Amend the bill by replacing all after section 1 with the following:

2 Condition Added. Amend RSA 21-L:12, II to read as follows:

II. Issuing securities for certain carriers, as authorized by RSA 288:76-92 *in the event that federal responsibility in this area is repealed.*

3 Condition Added. Amend RSA 21-L:12, XXV to read as follows:

XXV. Procedures for notification and investigation of railroad accidents, as authorized by RSA 367:56 *in the event that federal responsibility in this area is repealed.*

4 Repeal. RSA 21-L:12, XLI, relative to the sale of abandoned aircraft, is repealed.

5 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill conditionally repeals provisions concerning the rulemaking authority of the commissioner of transportation relative to issuing securities for certain carriers, and procedures for investigating railroad accidents.

It also repeals such rulemaking provisions relative to minimum notification requirements regarding railroad accidents, and the sale of abandoned aircraft.

**HB 269**, relative to the compensation of sweepstakes commissioners who are members of a multi-state lottery commission. **OUGHT TO PASS**

Rep. Robert K. Dodge for Executive Departments and Administration: This bill sets the compensation of sweepstakes commissioners for multi-state lottery commission meetings. This is in addition to their normal salary under RSA 94:1-a, II and is set at \$50 per actual day worked plus reasonable expenses for duties performed as a multi-state lottery commissioner. Vote 16-0.

**HB 316**, allowing cosmetologists to employ shampoo assistants. **INEXPEDIENT TO LEGISLATE**

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill would register shampoo assistants to do shampooing, rinsing, pulling rods and other cleansing or sink related duties. There appears to be a need for this type of employee but the duties outlined in the bill do not rise to the level requiring registration. The Board of Barbering and Cosmetology should seek other means to comply with board statute and administrative rules for the employment of ancillary personnel. Vote 18-0.

**HB 425**, relative to the regulation of pharmacists. **OUGHT TO PASS**

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill provides for a foreign pharmacy graduate to obtain a license to practice pharmacy within this state. In addition to passing a board exam to test competency, it also requires the graduate to show proficiency in the English language and requires a period of supervised practice. Vote 20-0.

**HB 434**, relative to milk products of sheep and goats and milk producer permits and allowing the commissioner of the department of health and human services to impose certain administrative fines. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: Health and Human Services requested this bill to clarify the role of the department in insuring the safety of dairy products sold in New Hampshire and shipped to other states.

The amendment changed 25% to 2.5% regarding fat content in goats' milk. The amendment also exempts permanent milking facilities at fairgrounds from having to obtain a new permit each time they are used. Vote 14-0.

#### **Amendment (0159h)**

Amend RSA 184:79, XXII as inserted by section 3 of the bill by replacing it with the following:

XXII. The term "milk" means the lacteal secretion, practically colostrum free, obtained by the complete milking of one or more healthy cows, sheep, or goats. Cow's milk shall contain not less than 8-1/4 percent milk solids not fat and not less than 3-1/4 percent milk fat. Goat's milk sold in retail packages shall contain not less than 7-1/2 percent milk solids not fat and not less than 2.5 percent milk fat.

Amend RSA 184:89 as inserted by section 4 of the bill by replacing it with the following:

184:89 Application; Issue. The commissioner may issue a permit to any milk producer upon receipt of a written application upon a form furnished by the commissioner and setting forth such information concerning the applicant and ~~[his]~~ *the applicant's* operation and facilities as may by rules be required. A permit will be granted upon the condition that the applicant shall at all times conduct ~~[his]~~ *its* operation and maintain ~~[his]~~ *its* facilities in accordance with the requirements of this subdivision and all rules adopted ~~[hereunder]~~ *under this subdivision. Permits shall not be transferable with respect to persons or locations.* All permits once issued shall remain in effect until revoked or until 6 months following the date on which milk production ceased at the permitted facility. *Permanent milking facilities at fairgrounds or other locations which are used at least annually shall be exempt from the 6-month period.* ~~[Permits shall not be transferable with respect to persons or location.]~~ A current listing of all valid permit holders shall be available for review in the ~~[office of the commissioner]~~ *department of health and human services.*

**HB 437-FN-L**, relative to certain health officers. OUGHT TO PASS

Rep. Alphonse A. Haetenschwiler for Health, Human Services and Elderly Affairs: This bill permits the Department of Health and Human Services to establish the qualifications for a district health officers as provided for in RSA 127. It also establishes a mechanism to appoint deputy town health officers under RSA 128. Vote 15-0.

**HB 597-FN-A**, creating a tax on gross receipts of health care services. INEXPEDIENT TO LEGISLATE

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: This bill attempted to address the issue of the elder-care costs which are the largest part of the Health and Human Services budget. Medicaid is how we fund elder services. It was the unanimous sense of the committee that this tax would only increase health care costs and was not equitable by taxing only one segment of the population. Vote 15-0.

**HB 300**, establishing a study committee on judicial pensions. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra B. Keans for Judiciary and Family Law: The issue of judicial pensions has been of continuing concern because they are paid as a direct draw against the general fund. The committee believes that the matter is worthy of an in-depth study. As amended, the group would include 2 house members, 2 senate members, 2 public members and 2 members appointed by the chief justice of the supreme court. Vote 14-0.

#### Amendment (0277h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study judicial salaries and retirement benefits.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study judicial salaries and retirement benefits.

2 Membership and Compensation.

I. The commission members shall be as follows:

- (a) Two members of the senate, appointed by the senate president.
- (b) Two members of the house of representatives, appointed by the speaker of the house.
- (c) Two public members, appointed by the governor.
- (d) Two members appointed by the chief justice of the New Hampshire supreme court.

II. House and senate commission members shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study alternative retirement systems to the current non-contributory system for New Hampshire judges and examine the costs and consequences of establishing an alternative retirement system for judges in this state.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, the chief of justice of the New Hampshire supreme court, and the state library on or before November 1, 1997.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a commission to study judicial salaries and retirement benefits.

**CACR 19**, relating to the election of the speaker of the house, senate president and other officers. Providing that the speaker of the house, senate president, and other officers shall be elected from among the respective body's membership. **INEXPEDIENT TO LEGISLATE**

Rep. Carol H. Holden for Legislative Administration: CACR 19 would amend Article 22 of the constitution to provide that Speaker of the House and the Senate president shall be elected from among the respective body's membership. Article 22 was adopted on June 2, 1784. It was amended in 1792 by adding that the House shall be judge of all returns, elections and qualifications of members. For 213 years, the Speaker of the House and the Senate president have been members of their respective bodies. The committee did not feel that it was necessary to put this question to the voters. Vote 16-0.

**HB 111-FN**, relative to preservation and access to records of legislation in the state archives. **REFER TO COMMITTEE**

Rep. Gregory G. Carson for Legislative Administration: The committee feels strongly about the preservation of and access to legislation in the state archives. Several questions, however, arose as to the application of the technology used for such preservation. The committee desires to spend additional time on this legislation. Vote 14-0.

**HB 332**, repealing the law which prohibits an entity which conducts horse or dog racing from employing a member of the general court. **OUGHT TO PASS**

Rep. Warren C. Henderson for Legislative Administration: Current state law prohibits an entity which conducts horse or dog racing in New Hampshire from employing a member of the general court. The committee found that this was an unreasonable exclusion applied to one type of business which might have a special interest in legislation but not applied to dozens of other types of business which might have a similar type of special interest in the legislative process. This existing law was seen by some as infringing on the basic right to serve in elected office for those who are employed by companies in the horse or dog racing industry. Passage of the bill would eliminate the prohibition and resolve the inequity. Vote 12-0.

**HB 494-FN**, relative to house bills and constitutional authority. **INEXPEDIENT TO LEGISLATE**

Rep. Donnalee Lozeau for Legislative Administration: The committee found merit in the intent of this legislation, however, the expense far outweighed the benefit. Further, the General Court is given broad authority in the passing of legislation. On the rare occasion when questions arise as to constitutionality of legislation, there are well established means for addressing such questions. Vote 14-1.

**HB 144-FN**, relative to cash incentives paid to servants and agents, excluding commission employees, authorized to sell tickets. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill as amended allows the sweepstakes commission to pay 1% of the prize awarded, up to a maximum of \$30,000 for powerball, or a maximum of \$15,000 for other prizes as an inducement for sales agents. The rest of the bill is gender neutral language. Vote 13-0.

### Amendment (0164h)

Amend the bill by replacing section 2 with the following:

2 Cash Incentives Paid to Servants and Agents. Amend RSA 284:21-s to read as follows:

284:21-s Incentive Awards for Ticket Sellers. The sweepstakes commission is authorized to pay ~~[graduated] cash [awards only, to a maximum sum of \$1,000;]~~ *incentives, not to exceed one percent of the prize awarded or a maximum of \$30,000 for powerball prizes or \$15,000 for other prizes*, as an inducement to servants and agents, excluding sweepstakes commission employees, ~~[who actually sell tickets for persons]~~ authorized to sell tickets pursuant to RSA 284:21-h, II(d), provided such sweepstakes ticket selling servant or agent sells the winning sweepstake ticket for which the commission has authorized an incentive award.

Referred to Finance.

**HB 170-L**, exempting temporary, demountable, plastic-covered greenhouses from property taxation. RE-REFER TO COMMITTEE

Rep. Richard Noyes for Local and Regulated Revenues: The committee believes a need exists for clarification of the tax status of temporary greenhouses, a device being used increasingly in New Hampshire agriculture. The correct handling whereby municipal authorities can know which are taxable, and which are not, requires more study than is possible before the deadline for this bill. Vote 12-0.

**HB 173-L**, prohibiting further establishment or expansion of casino or video gambling in New Hampshire for 2 years. INEXPEDIENT TO LEGISLATE

Rep. Douglass P. Teschner and Rep. David W. Hess for Local and Regulated Revenues: The sponsor requested that the bill be withdrawn, and the committee unanimously obliged. While many committee members are opposed to any expansion of gambling, the committee was unanimous in its view that this regulation was "the wrong bill at the wrong time". Vote 12-0.

**HB 539-L**, relative to the tax lien process for quarterly tax bills in the city of Concord. OUGHT TO PASS

Rep. Jean R. Wallin for Local and Regulated Revenues: Because the city of Concord has adopted quarterly tax billing and collection procedures, as well as a July 1 to June 30 fiscal year, it is necessary to move the date when real estate is subject to a tax lien from December 1 to April 1. This applies to the city of Concord only. Vote 12-0.

**HB 551-L**, allowing municipalities to grant retired persons over 65 years of age a property tax credit and a property tax cap. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Local and Regulated Revenues: A completely revised elderly exemption law will be voted on at local town meetings in 1997 and will go into effect on January 1, 1998. It will allow cities and towns to tailor the exemption to the needs of their individual communities. The committee believes that the new statute should be allowed to work before more changes are proposed. Vote 13-0.

**HB 591-FN**, relative to eliminating the authority of the sweepstakes commission to hold sweepstakes races at horse and dog tracks. INEXPEDIENT TO LEGISLATE

Rep. Robert N. Kelley for Local and Regulated Revenues: The sponsor requested the bill to be withdrawn from further processing. The committee honored his requested. Vote 12-0.

**HB 663-FN-L**, imposing a \$100 per year surtax on occupiers of rental property and condominium units to fund state aid to education and prohibiting future increases in individual residential property taxes to meet educational costs. INEXPEDIENT TO LEGISLATE

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill levies a statewide tax of \$100 per year only on tenants in rental property and freezes residential property taxes at the 1996 level to pay for our schools. The Department of Revenue Administration estimates the tax would have to be \$299 in order to produce enough money to meet educational needs in New Hampshire. The committee feels this bill is both ill advised and probably unconstitutional. Vote 12-0.

**HB 776-FN**, prohibiting any person under 18 years of age from sitting in a cocktail lounge. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Local and Regulated Revenues: The committee feels that there is not a problem currently, and the present law covers 18 year olds in cocktail lounges. The Liquor Commission also testified in opposition to the bill. Vote 12-0.

**HCR 9**, urging the governor and general court to take action to bring about property tax relief. **OUGHT TO PASS**

Rep. Linda T. Foster for Local and Regulated Revenues Property tax relief is a continuing theme in both election and non-election years. The committee hopes that this House Concurrent Resolution may facilitate the discussion and help to offer some solutions to the problem. Vote 12-0.

**HB 174-L**, relative to budgetary official ballot. **RE-REFER TO COMMITTEE**

Rep. Robert A. Lockwood for Municipal and County Government: The bill is concerned with voting processes in village and school districts that were adopted in the budgetary official ballot bill(HB141) passed in the last session of the General Court. The proposed changes would strike the language "To raise and appropriate money for the support of" and substitute the words "on all/ or some warrant articles", regarding issues that could be placed on the official ballot. The committee was concerned that by eliminating the phrase beginning "To raise and appropriate" etc., it would prohibit putting such articles on the warrant, and that adding the phrase, "some or all warrant articles" was vague and ambiguous. This bill will be studied along with several other proposed changes to school and municipal election laws passed only last year so that amendments will not be contradictory and/or confusing. Vote 13-0.

**HB 287-L**, relative to publication of annual reports by school districts. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: School boards and village districts are empowered to implement these procedures at the present time. The committee feels this bill in its present form is confusing and is an unfunded mandate. Vote 14-0.

**HB 295-L**, authorizing a cooperative school district board to establish polling places in each member town. **RE-REFER TO COMMITTEE**

Rep. Betsey L. Patten for Municipal and County Government: There are a number of requests to allow communities to change their polling places. It is the feeling of the House Committee on Municipal and County Government that these requests need to be studied together with the Education Committee and the Election Law Committee, hence the motion to re-refer. Vote 12-0.

**HB 299**, relative to property tax assessments of new buildings during the property tax year. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas E P Rice Jr. for Municipal and County Government: This vote is due to the fact that no money is lost and it would be burdensome to assess during this period. New property will make its tax contribution soon enough. Vote 14-0.

**HB 311-L**, giving municipalities the option of authorizing their governing bodies to enter into discretionary easements on certain agricultural buildings. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: Discretionary easements are authorized in RSA 79-c. Testimony was received that it was the intent of the legislature that discretionary easements be granted to land only. The committee agreed with the original intent Vote 12-0.

**HB 344-L**, relative to planning board procedures on plats. **OUGHT TO PASS**

Rep. Betsey L. Patten for Municipal and County Government: According to RSA 676:4,I(b) a planning board has to specify what constitutes a completed application to invoke jurisdiction and to obtain approval. Use of the word submission in both sentences of RSA 676:4,I(c) (1), rather than acceptance, suggests to some that the planning board must begin considering an application upon its submission, regardless of whether the application is complete and has been accepted by the board. Changing the word "submission" to "acceptance of completed application" tightens up the regulation so both parties can determine when the 90-day clock starts. Vote 12-0.

**HB 366-L**, relative to noncompliance with zoning ordinances. **RE-REFER TO COMMITTEE**

Rep. Cynthia J. Dokmo for Municipal and County Government: The committee wishes to re-refer this bill in order to study existing code/zoning enforcement statutes to determine if they adequately meet their purpose. Vote 12-0.

**HB 422-L**, exempting initial bond issues from the 10 percent limitation on exceeding appropriations recommended by the budget committee. **INEXPEDIENT TO LEGISLATE**

Rep. Marilyn A. Fraser for Municipal and County Government: This bill appears to be a local issue which can be corrected by the local legislative body. The prevailing reason being that towns under the 10% limit have chosen by ballot to abide by the Municipal Budget Act and thus the guidance of the budget committee and its recommendations. Vote 14-0.

**HB 343-L**, relative to authority by governmental entities over driveways and other accesses to public ways. OUGHT TO PASS

Rep. Leon Calawa, Jr. for Public Works and Highways: This bill simply clarifies existing statutes regarding authority over driveways and other access to public ways. Vote 18-0.

**HB 475**, requiring a study on overweight and over-dimension vehicle permits and, in particular, permits for manufactured housing units. INEXPEDIENT TO LEGISLATE

Rep. Winston H. McCarty for Public Works and Highways: All the testimony at the committee hearing related to problems of overweight and overwide vehicles that would be better addressed by proper law enforcement and movers of large and heavy loads adhering to existing laws and regulations. Vote 21-0.

**HB 391**, making the office of emergency management the administrator of the grant program for the civil air patrol in New Hampshire. OUGHT TO PASS

Rep. John M. Pratt for State-Federal Relations and Veterans Affairs: Some of the parties concerned, the Division of Aeronautics, the Office of Emergency Management and the Civil Air Patrol supported this minor adjustment. Vote 12-0.

**HB 678**, relative to the expansion of veterans' home services. OUGHT TO PASS WITH AMENDMENT

Rep. Rita G. MacAuslan for State-Federal Relations and Veterans Affairs: This bill amends RSA 119:1 for housekeeping and clarification purposes. It addresses future anticipated services which may be provided by the Veteran's Home. There was overwhelming testimony in support of this bill and no opposition. Vote 12-0.

#### Amendment (0265h)

Amend RSA 119:1 as inserted by section 1 of the bill by replacing it with the following:

119:1 Establishment. There is established in this state a home known as the New Hampshire veterans' home for the support, care, and treatment of veterans who have served on active duty in time of war for a period of at least 90 days in the armed forces of the United States as defined by 38 U.S.C. section 101 and have been honorably discharged therefrom. The veteran shall have been a resident of the state of New Hampshire for at least one year next preceding the veteran's application. The care of veterans under this section includes nursing care, *assisted living, domiciliary, day care, dementia, chemical dependency and psychiatric services, and other related services and programs* for any veteran otherwise eligible for admittance. *Such services and programs shall be provided at the veterans' home or contracted through other organizations and facilities, both within and outside of New Hampshire.*

**HCR 1**, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes. INEXPEDIENT TO LEGISLATE

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: The committee felt that there should be a separation of the legislative and judicial branches. This is fundamental to the United States Constitution. However, the committee did not get sufficient information in case law to justify the resolution being forwarded to the U.S. Congress. Vote 12-1.

**HCR 5**, petitioning Congress of the United States to enact legislation that requires Congress to specify the constitutional authority for the enactment of law and that prohibits agency rules or regulations from preempting or otherwise interfering with state or local powers without express statutory authority. INEXPEDIENT TO LEGISLATE

Rep. Rita G. MacAuslan for State-Federal Relations and Veterans Affairs: This resolution's imprecise language and generalizations make it inexpedient to legislate. The proposed amendment is too broad to implement due to its wording. The concept would require Congress to ensure that any conflicts with any state's statutes, laws, or rules be documented before federal legislation is passed. This would ensure no federal laws were ever enacted, since they would have to be tailored to "fit" all fifty states. Vote 14-0.

**HCR 8**, urging congressional delegates to propose Congressional term limits. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for State-Federal Relations and Veterans Affairs: Under the rules of the United States House of Representatives, bills introduced and defeated cannot be reintroduced in this session. Therefore, it would not be prudent to submit this resolution at this time. Vote 11-2.

**HJR 3**, requiring the attorney general to bring suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban. **RE-REFER TO COMMITTEE**

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: Any action by the New Hampshire Legislature on HJR 3 is premature at this time, since the Brady Bill, which established the Military Firearms Ban, is currently being considered by the United States Supreme Court. Any decision made by this body would be inappropriate until the Supreme Court reaches a decision. Vote 15-0.

**HR 15**, urging that there be statewide access to Channel 9 (WMUR) as the official disaster reporting station for New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Edwin O. Smith for State-Federal Relations and Veterans Affairs: The committee felt that the cable company serving Whitefield, Lancaster and Groveton is quite short sighted in not carrying Channel 9 on its cable. We also felt that addressing the problem through this legislation was not the forum to solve the problem. If the cable company continues to be uncooperative, maybe future legislation will be necessary. Vote 12-1.

**HB 306**, relative to highway speed limits. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas J. Boriso for : By changing the words *prima facie* in RSA 205:62 to maximum as proposed in this bill, if you are caught traveling even one mile over the speed limit you will be in violation of the law. It would be unwise to trust speedometers or radar guns to be that accurate. No one from law enforcement appeared in favor of this bill. Vote 13-0.

**HB 382**, requiring vehicles transporting loads on ways where the speed limit is 30 miles per hour or greater to cover the load. **OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: This bill is a housekeeping measure. This bill simply and clearly defines the speed at which a truck must cover its load, *on any way that is posted 30 MPH or more*. The committee felt that trucks loaded with gravel were avoiding the intent of the law as written by stating that they were only going 30 MPH when stopped by police and that they were not required to cover their loads at that speed. The committee also felt that this would be a tool for police officers to enforce this law in the interest of public safety. Vote 12-0.

**HB 445**, extending the reporting date of the paperless title system study committee. **OUGHT TO PASS**

Rep. Brenda L. Ferland for Transportation: The committee felt that the study committee needed more time to look at the pilot programs now going on in other states. The program has a lot of merit. Vote 13-0.

**HB 473**, relative to the use of watercraft and boats on the waters of Chocorua Lake in the town of Tamworth. **OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: While all bodies of water in the White Mountain National Forest have prohibitions on any motorized watercraft, except four, defined by statute RSA 270:29, Chocorua Lake is not in the White Mountain National Forest. In order to protect the pristine condition of this lake, one of New Hampshire's most scenic and photographed areas, the majority of the committee felt that the bill ought to pass. This bill is of a housekeeping nature, closing a gray area in the law that could have allowed certain petroleum powered watercraft on the lake. This bill also makes this lake accessible to the elderly and handicapped to enjoy by allowing electric powered motors to operate up to 6 miles per hour, while prohibiting use or operation of any watercraft with a petroleum powered motor aboard or attached to it upon the waters of this lake. Vote 12-1.

**HB 631-FN**, authorizing the department of safety to issue special amateur radio operator plates and related fees. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: This group as any other affinity group in New Hampshire already has the means to get special plates under RSA 261-A, the special plate legislation passed last session. This bill is also asking for a special exemption in the form of a reduction in the fee structure that is also set up in RSA 261-A. Vote 11-2.

**HB 654**, expanding the weight and length law exemptions to include vehicles used by cities and towns for trash removal. **INEXPEDIENT TO LEGISLATE**

Rep. John S. Langone for Transportation: The committee feels it is a safety factor, and would be unenforceable on interstate highways. If passed, it would open door to all commercial carriers to increase weights beyond safety limits. Vote 13-0.

**HB 371**, relative to the authority of the department of fish and game to regulate the management, preservation, propagation and taking of state fish, game and wildlife resources. **RE-REFER TO COMMITTEE**

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: Present law authorizes the Fish and Game Department to regulate wildlife management in New Hampshire. The committee voted to re-refer this bill to introduce a House Resolution in the next session to re-emphasize this Fish and Game authority. Vote 11-0.

**HB 675-FN**, relative to bass fishing tournaments. **INEXPEDIENT TO LEGISLATE**

Rep. Mark A. Cegelis for Wildlife and Marine Resources: Under RSA 211:16-b the Executive Director of the Fish and Game Department has the authority to regulate all criteria as it relates to all fishing tournaments. We are confident that the Fish and Game Department will develop a comprehensive strategy to deal with this issue. The majority agrees that micro-management of the Fish and Game Department is not the way to go, and we are optimistic that the department will address all of the concerns raised by members of the committee relative to taking fish during spawning seasons. Vote 9-1.

### REGULAR CALENDAR

**HB 143-L** requiring that SAU budgets be approved by vote at school district meetings. **RE-REFER TO COMMITTEE**

Rep. Jane O'Hearn for Education: The objective of HB 143 is to allow direct voting of school administrative unit (SAU) budgets, in multidistrict SAUs. The states 31 single district SAUs already have complete administrative budget control by their legislative bodies. Under the provisions of RSA 194-C any single school district may withdraw from an SAU and administer its own affairs. Despite several amendments no solution has been found to the timing problems of SAU budget voting in SAUs containing both SB-2 districts and open meeting districts. The possibility exists that no SAU budget would be approved by such mixed governance districts by the end of a fiscal year. Given the likelihood of the continued evolution of official ballot voting (SB-2) the committee felt re-referring HB 143 would provide a vehicle to further study the issue. Vote 9-8. Adopted.

**CACR 8**, relating to increasing the executive council membership and the number of executive council districts. Providing that the executive council shall be increased from 5 to 10 members, and the number of executive council districts shall be increased from 5 to 10. **RE-REFER TO COMMITTEE**

Rep. Joseph A. Foster for Election Law: During the hearing held on this CACR, not only were concerns raised about the geographic size of the districts certain Councilors represent but also about the scope of their duties and powers. The size of certain districts, some believe, make it difficult for the Councilors to adequately serve their constituents while others raised concerns about the Council's load (200 items per meeting) and the scope of its power (nominations). Should the Senate, as in nearly every other state, be involved in the nomination process? Should the Council's involvement in appropriations be amended? Is it still necessary? To answer these and other concerns the Committee wishes to study the powers, duties, and the districts of the Council. Vote 13-3. Adopted.

**CACR 9**, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. **RE-REFER TO COMMITTEE**

Rep. Thomas I. Arnold, Jr. for Election Law: In recent years it has been the perception of many that the Attorney General's office, the chief law enforcement officer for the people, has failed to consistently communicate with the people's representative—this House. One method to address this problem is to remove the Governor's power of appointment and, instead, have the Legislature elect the Attorney General as now occurs with the Secretary of State and the State Treasurer. There may be other methods to address this problem and election by the House could present problems of its own. For this reason, the Committee recommends the bill be re-referred so the benefits of the CACR can be examined more closely. Vote 12-4.

Adopted.

**HB 248-L**, prohibiting all persons except candidates who appear on the ballot from performing electioneering activities within 100 feet of the door of the polling place and relative to campaign signs held by candidates. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Lynn C. Horton for the Majority of Election Law: After a lot of discussion, it was determined that if the moderator does his or her job problems with signs and blocking the way to the polls should be taken care of under current law. Vote 13-2.

Rep. Raymond C. Buckley for the Minority of Election Law: This bill is a thoughtful compromise to the age-old problem of the mass of sign holders at the polling locations gathered at the polling place doorway. The Secretary of State testified in favor of this bill detailing numerous instances of citizens choosing not to vote because of the intimidating crowd of candidates and supporters at the doorway. This bill would permit only candidates on the ballot to be within 100 feet of the doorway. All others would be required to stand outside this 100 foot zone.

Majority report adopted.

**HB 225-FN**, requiring the commissioner of health and human services to establish a needle exchange pilot program. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Robert W. Foster for the Majority of Health, Human Services and Elderly Affairs: This bill requests the commissioner of Health and Human Services to establish with the assistance of an advisory committee, a two year needle exchange pilot program to reduce the spread of AIDS. The pilot program is to be implemented in one community. This is an option not a mandated program. The department of Health and Human Services has given full support to this bill. Vote 14-3.

Rep. Robert K. Boyce for the Minority of Health, Human Services and Elderly Affairs: This bill while well intended might send a message that the State of New Hampshire condones, facilitates and legitimizes the use of illegal drugs. While the number of reported cases of AIDS has been dropping, over the past few years drug abuse among high school children has been rising. Drug abuse represents a greater threat to our society than any disease. This bill does not address the problem.

#### Amendment (0131h)

Amend the bill by replacing all after section 1 with the following:

2 Pilot Program Established; Needle Exchange.

I. The commissioner of the department of health and human services shall establish, with the assistance of an advisory committee, a 2-year pilot program offering the free exchange of new hypodermic needles and syringes for used hypodermic needles and syringes as a means to prevent the transmission of human immunodeficiency virus (HIV) among intravenous drug users. The pilot program may be implemented in one community in New Hampshire. Any individual who either administers or participates in the needle exchange program established under this act shall be immune from prosecution for violating RSA 318:52-c through RSA 318:52-e.

II. In order to implement this pilot program the commissioner, with the advice of the advisory committee established in section 3 of this act, shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The community where the pilot program may be implemented and the manner of implementation in such community.

(b) Counseling and rehabilitation services to be offered to persons participating in the program.

(c) Any other matter necessary to the administration of this act.

III. The local governing body shall have the option to determine if the pilot program will be implemented in the community.

IV. The commissioner of health and human services may accept grants and moneys from any source and may expend such grants and moneys for the purposes of the program.

#### 3 Advisory Committee.

I. There is established an advisory committee to assist the commissioner of health and human services in establishing and monitoring the pilot program, including the rulemaking process, authorized under section 2 of this act. The committee members shall be as follows:

- (a) Two members of the house of representatives, appointed by the speaker of the house.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) A public member, appointed by the governor.
- (d) The medical director of the department of health and human services, or designee.
- (e) An outreach worker affiliated with either a local public health department or an AIDS organization, appointed by the commissioner of health and human services.
- (f) One representative of the New Hampshire Medical Society, appointed by such society.
- (g) One representative of the New Hampshire Police Chiefs' Association, appointed by such association.
- (h) A representative of the New Hampshire Pharmacists Association, appointed by such association.

- (i) A representative of the New Hampshire Nurses Association, appointed by such association.

II. Members of the advisory committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate.

4 Report. The commissioner of the department of health and human services shall make an interim report on or before January 1, 1999, and a final report on or before the termination date of the pilot program to the speaker of the house, the senate president, the speaker of the house, the senate clerk, the house clerk, the governor, and the state library on the activities, findings, and recommendations relative to the pilot program.

5 Funding. The pilot program established in this act shall be funded through appropriations currently available to the department of health and human services and through grants solicited by the department from federal, local, charitable and private sources. Moneys raised under this section shall be continually appropriated to the department for the purposes of this act.

6 Applicability. The commissioner of the department of health and human services shall initiate rulemaking, pursuant to RSA 541-A, for the pilot program established in section 2 of this act, and such rules shall be filed with the director of legislative services under RSA 541-A before the pilot program is implemented.

7 Effective Date. This act shall take effect January 1, 1998.

### AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to establish, with the assistance of an advisory committee, a 2-year needle exchange pilot program to reduce the spread of AIDS in New Hampshire. The pilot program may be implemented in one community in New Hampshire. The community shall have the option of deciding whether the pilot program should be implemented in its community. The commissioner is granted rulemaking authority to implement the provisions of the bill.

Adopted.

Rep. McGough requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 203 NAYS 116**

**YEAS 203**

**BELKNAP**

Bartlett, Gordon

Lawton, Robert

Veazey, John

Ziegler, Alice

**CARROLL**

Bradley, Jeb

Cooper, Kipp

Dickinson, Howard, Jr.

Foster, Robert

Mock, Henry

Philbrick, Donald

**CHESHIRE**

|                    |                    |                 |                     |
|--------------------|--------------------|-----------------|---------------------|
| Avery, Stephen     | Bonneau, Sarah     | Burnham, Daniel | DePecol, Benjamin   |
| Doucette, Richard  | Lynch, Margaret    | Manning, Joseph | McGuirk, Paul       |
| Meador, David      | Metzger, Katherine | Pratt, John     | Richardson, Barbara |
| Robertson, Timothy | Royce, H. Charles  | Russell, Ronald | Smith, Edwin        |
| Steere, Myron, III | Vogl, John         |                 |                     |

**COOS**

|                |                 |                  |                   |
|----------------|-----------------|------------------|-------------------|
| Bradley, Paula | Coulombe, Henry | Coulombe, Yvonne | Davis, Perley     |
| Horton, Lynn   | Mears, Edgar    | Moynihn, Wayne   | St. Hilaire, Paul |

**GRAFTON**

|                  |                    |                  |                    |
|------------------|--------------------|------------------|--------------------|
| Akins, Ralph     | Almy, Susan        | Below, Clifton   | Brown, Channing    |
| Connolly, Steven | Copenhaver, Marion | Eaton, Stephanie | Guaraldi, Lawrence |
| Guest, Robert    | Hill, Richard      | LaMott, Paul     | Lovett, Sidney     |
| Luker, Elsa      | Mirski, Paul       | Nordgren, Sharon | Teschner, Douglass |
| Trelfa, Richard  |                    |                  |                    |

**HILLSBOROUGH**

|                       |                     |                         |                            |
|-----------------------|---------------------|-------------------------|----------------------------|
| Ackerman, Philip      | Alukonis, David     | Amidon, Eleanor         | Arnold, Thomas, Jr.        |
| Asselin, Robert       | Barry, William, III | Bergin, Peter           | Bernier, Shannon           |
| Buckley, Raymond      | Cardin, Lori        | Clay, Susan             | Clemons, Jane              |
| Clemons, Kevin, Sr.   | Cote, David         | Cote, Peter             | Daigle, Robert             |
| Desrosiers, William   | Dokmo, Cynthia      | Drabinowicz, A. Theresa | Durham, Susan              |
| Dwyer, Paul, Sr.      | Dyer, Merton        | Ferguson, Charles       | Fields, Dennis             |
| Foster, Joseph        | Foster, Linda       | Franks, Suzan           | Gage, Ruth                 |
| Gagnon, Eugene        | Ginsburg, Ruth      | Golding, William        | Haettenschwiller, Alphonse |
| Hansen, Herbert       | Hart, Nick          | Holden, Carol           | Holt, David                |
| Jean, Claudette       | Jean, Loren         | Kelley, Robert          | Kurk, Neal                 |
| LaRose, Richard       | Leishman, Peter     | Leonard, Peter          | Lessard, Rudy              |
| Lynde, Harold         | MacAuslan, Rita     | MacIntyre, Doris        | McCarty, Winston           |
| Melcher, Harold       | Mercer, Robert      | Messier, Irene          | Murphy, Robert             |
| O'Hearn, Jane         | O'Rourke, Thomas    | Perkins, Paul           | Sargent, Maxwell           |
| Searles, Stanley, Sr. | Vaillancourt, Steve | Welch, Donald           | White, Jay                 |
| Williams, Carol       |                     |                         |                            |

**MERRIMACK**

|                   |                    |                   |                    |
|-------------------|--------------------|-------------------|--------------------|
| Burney, Carol     | Chandler, Earle    | Daneault, Gabriel | DeStefano, Stephen |
| Dunn, Miriam      | Feuerstein, Martin | French, Barbara   | Gile, Mary         |
| Jacobson, Alf     | Lamach, Bernard    | Lockwood, Robert  | Marshall, Kenneth  |
| Maxfield, Roy     | Moore, Carol       | Reardon, Tara     | St. Cyr, Gerard    |
| Whittemore, James | Yeaton, Charles    |                   |                    |

**ROCKINGHAM**

|                    |                     |                    |                      |
|--------------------|---------------------|--------------------|----------------------|
| Abbott, Dennis     | Bishop, Franklin    | Blanchard, MaryAnn | Carson, Gregory      |
| Case, Margaret     | Clark, Martha       | Coes, Betsy        | Cushing, Robert      |
| Francoeur, Sheila  | Frechette, Joseph   | Gleason, John      | Heath, John          |
| Henderson, Warren  | Hutchinson, Rebecca | Johnson, Robert    | Katsakiores, Phyllis |
| Kelley, Jane       | Kobel, Rudolph      | Langley, Jane      | Langone, John        |
| Major, Norman      | Malcolm, Kenneth    | McGovern, Cynthia  | McKinney, Betsy      |
| Micklon, Stephanie | Norelli, Terie      | Pantelakos, Laura  | Rubin, George        |
| Sabella, Norma     | Schanda, Frank      | Stritch, C. Donald | Syracusa, Anthony    |
| Tufts, J. Arthur   | Vaughn, Charles     | Woods, Deborah     |                      |

**STRAFFORD**

|                  |                  |               |                  |
|------------------|------------------|---------------|------------------|
| Berube, Roger    | Brennan, William | Brown, George | DeChane, Marlene |
| Dunlap, Patricia | Estabrook, Iris  | Grassie, Anne | Hemon, Roland    |

Hilliard, Dana  
McCann, William, Jr.  
Pelletier, Arthur  
Snyder, Clair  
Twardus, Joseph

Kaen, Naida  
Merrill, Amanda  
Pelletier, Marsha  
Taylor, Kathleen  
Vachon, Dennis

Keans, Sandra  
Merritt, Deborah  
Rogers, Rose Marie  
Torr, Ann  
Wall, Janet

Lundborn, Raymond  
Musler, George  
Rollo, Michael  
Tsiros, William

### SULLIVAN

Burling, Peter  
Flint, Gordon  
Wiggins, Celestine

Cloutier, John  
Kibbey, David

Donovan, Thomas  
Leone, Richard

Ferland, Brenda  
Schotanus, Merle

### NAYS 116

### BELKNAP

Boyce, Robert  
Salatiello, Thomas

Holbrook, Robert  
Thomas, John

Lawton, David  
Turner, Robert

Rosen, Ralph

### CARROLL

Babson, David, Jr.  
Lyman, L. Randy

Chandler, Gene  
MacDonald, Kenneth

Howard, Godfrey  
Patten, Betsey

Kenney, Joseph

### CHESHIRE

McNamara, Wanda

### COOS

Pratt, Leighton

Tholl, John, Jr.

### GRAFTON

Alger, John  
Phinney, William

Chase, Paul, Jr.  
Root, John

Cobbin, Philip  
Weber, Phil

Hinman, Harry  
Williams, William, Jr.

### HILLSBOROUGH

Batula, Peter  
Brundige, Robert  
Christiansen, Lars  
Gosselin, Gerald  
Hunter, Bruce  
Letendre, Evelyn  
Marcinkowski, Michael  
Mittelman, David  
Reidy, Frank  
Wheeler, Robert

Belvin, William  
Calawa, Leon, Jr.  
Daniels, Gary  
Goulet, Maurice  
Johnson, Lionel  
Lozeau, Donnalee  
McDonald, James, Sr.  
Murch, George  
Riley, Frances  
White, Donald

Boutin, David  
Carlson, Donald  
Feng, David  
Herman, Keith  
L'Heureux, Robert  
Luebker, Bernard  
McGough, Tim  
Pepino, Leo  
Thulander, O. Alan  
Wright, George

Briefs, Geoffrey  
Carney, Lauren  
Fenton, James  
Holley, Sylvia  
Lefebvre, Roland  
MacGillivray, Jeffrey  
Milligan, Robert  
Peterson, Andrew  
Turgeon, Roland

### MERRIMACK

Adams, Stephen  
Colburn, Thomas  
Langer, Ray

Anderson, Eric  
Crowell, Peter  
Larrabee, David

Brown, Mary  
Hoadley, Elizabeth  
Leber, William

Colburn, Kathleen  
Krueger, Patricia  
Whalley, Michael

### ROCKINGHAM

Aranda, M. Kathryn  
Cegelis, Mark  
Dolan, Richard  
Flanders, David  
Klemm, Arthur, Jr.  
Moore, Benjamin  
Packard, Sherman  
Stickney, Nancy  
Weyler, Kenneth

Arndt, Janet  
Cooney, Richard  
Downing, Michael  
Flanders, John, Sr.  
Letourneau, Robert  
Morris, Debbie  
Raynowska, Bernard  
Varrell, Thomas

Belanger, Ronald  
Cote, Patricia  
Dube, LeRoy  
Guthrie, Joseph  
McCarthy, John, Jr.  
Nowe, Ronald  
Reardon, Neil  
Verani, Giovanni

Camm, Kevin  
Dearborn, Bruce  
Dunham, Vivian  
Katsakiores, George  
Mikowski, Walter  
Noyes, Richard  
Smith, Kevin  
Welch, David

**STRAFFORD**

|                  |                  |                 |                |
|------------------|------------------|-----------------|----------------|
| Callaghan, Frank | McKinley, Robert | Sullivan, Henry | Torr, Franklin |
|------------------|------------------|-----------------|----------------|

**SULLIVAN**

|               |                  |                 |
|---------------|------------------|-----------------|
| Adler, Rudolf | Krueger, Richard | Lindblade, Eric |
|---------------|------------------|-----------------|

and the report was adopted.  
Referred to Finance.

**CACR 4**, relating to returning annual legislative sessions to biennial legislative sessions. Providing that the general court shall meet biennially. **INEXPEDIENT TO LEGISLATE**  
Rep. Peter Hoe Burling for Legislative Administration: The issue of biennial sessions has become an annual favorite, at least for some. The majority of the committee, however, remains convinced that annual sessions are required to do the business of the state. Vote 11-4.

Rep. Loren Jean requested a roll call; sufficiently seconded.  
The question being the adoption of the report.

**YEAS 230 NAYS 88****YEAS 230****BELKNAP**

|               |                |                |                |
|---------------|----------------|----------------|----------------|
| Boyce, Robert | Lafiam, Robert | Lawton, Robert | Rosen, Ralph   |
| Thomas, John  | Turner, Robert | Veazey, John   | Ziegler, Alice |

**CARROLL**

|                    |                 |                |                   |
|--------------------|-----------------|----------------|-------------------|
| Babson, David, Jr. | Bradley, Jeb    | Foster, Robert | Howard, Godfrey   |
| Kenney, Joseph     | Lyman, L. Randy | Patten, Betsey | Philbrick, Donald |

**CHESHIRE**

|                    |                    |                 |                     |
|--------------------|--------------------|-----------------|---------------------|
| Avery, Stephen     | Bonneau, Sarah     | Burnham, Daniel | DePecol, Benjamin   |
| Doucette, Richard  | Lynch, Margaret    | McGuirk, Paul   | McNamara, Wanda     |
| Meador, David      | Metzger, Katherine | Pratt, John     | Richardson, Barbara |
| Robertson, Timothy | Royce, H. Charles  | Russell, Ronald | Vogl, John          |

**COOS**

|                |                 |               |              |
|----------------|-----------------|---------------|--------------|
| Bradley, Paula | Coulombe, Henry | Davis, Perley | Horton, Lynn |
| Mears, Edgar   | Moynihan, Wayne |               |              |

**GRAFTON**

|                    |                  |                        |                  |
|--------------------|------------------|------------------------|------------------|
| Akins, Ralph       | Almy, Susan      | Below, Clifton         | Brown, Channing  |
| Chase, Paul, Jr.   | Eaton, Stephanie | Guest, Robert          | Hill, Richard    |
| LaMott, Paul       | Lovett, Sidney   | Luker, Elsa            | Nordgren, Sharon |
| Teschner, Douglass | Trelfa, Richard  | Williams, William, Jr. |                  |

**HILLSBOROUGH**

|                     |                            |                     |                   |
|---------------------|----------------------------|---------------------|-------------------|
| Ackerman, Philip    | Amidon, Eleanor            | Arnold, Thomas, Jr. | Asselin, Robert   |
| Barry, William, III | Belvin, William            | Bergin, Peter       | Bernier, Shannon  |
| Brundige, Robert    | Buckley, Raymond           | Calawa, Leon, Jr.   | Cardin, Lori      |
| Carlson, Donald     | Christiansen, Lars         | Clay, Susan         | Clemons, Jane     |
| Clemons, Kevin, Sr. | Cote, David                | Cote, Peter         | Daigle, Robert    |
| Dokmo, Cynthia      | Drabinowicz, A. Theresa    | Durham, Susan       | Dwyer, Paul, Sr.  |
| Dyer, Merton        | Fields, Dennis             | Foster, Joseph      | Foster, Linda     |
| Franks, Suzan       | Gage, Ruth                 | Gagnon, Eugene      | Ginsburg, Ruth    |
| Gosselin, Gerald    | Haettenschwiller, Alphonse | Hansen, Herbert     | Herman, Keith     |
| Holden, Carol       | Holley, Sylvia             | Holt, David         | Hunter, Bruce     |
| Jean, Claudette     | Johnson, Lionel            | Kelley, Robert      | L'Heureux, Robert |
| LaRose, Richard     | Lefebvre, Roland           | Leishman, Peter     | Leonard, Peter    |

Lessard, Rudy  
MacIntyre, Doris  
Melcher, Harold  
Murphy, Robert  
Sargent, Maxwell  
Welch, Donald  
Williams, Carol

Lozeau, DonnaLee  
Marcinkowski, Michael  
Mercer, Robert  
O'Hearn, Jane  
Searles, Stanley, Sr.  
Wheeler, Robert

Lynde, Harold  
McCarty, Winston  
Messier, Irene  
Perkins, Paul  
Turgeon, Roland  
White, Donald

MacAuslan, Rita  
McDonald, James, Sr.  
Milligan, Robert  
Reidy, Frank  
Vaillancourt, Steve  
White, Jay

### MERRIMACK

Anderson, Eric  
Crowell, Peter  
Feuerstein, Martin  
Hoadley, Elizabeth  
Langer, Ray  
Reardon, Tara

Burney, Carol  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Lockwood, Robert  
St. Cyr, Gerard

Colburn, Kathleen  
DeStefano, Stephen  
Gile, Mary  
Krueger, Patricia  
Maxfield, Roy  
Whalley, Michael

Colburn, Thomas  
Dunn, Miriam  
Hess, David  
Lamach, Bernard  
Moore, Carol  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Blanchard, MaryAnn  
Cooney, Richard  
Dolan, Richard  
Francoeur, Sheila  
Heath, John  
Katsakiores, George  
Langley, Jane  
Mikowski, Walter  
Raynowska, Bernard  
Varrell, Thomas

Aranda, M. Kathryn  
Case, Margaret  
Cote, Patricia  
Downing, Michael  
Frechette, Joseph  
Henderson, Warren  
Katsakiores, Phyllis  
Langone, John  
Norelli, Terie  
Sabella, Norma  
Vaughn, Charles

Belanger, Ronald  
Clark, Martha  
Cushing, Robert  
Dube, LeRoy  
Gleason, John  
Hutchinson, Rebecca  
Kelley, Jane  
Major, Norman  
Nowe, Ronald  
Schanda, Frank  
Woods, Deborah

Bishop, Franklin  
Coes, Betsy  
Dearborn, Bruce  
Flanders, John, Sr.  
Guthrie, Joseph  
Johnson, Robert  
Kobel, Rudolph  
Micklon, Stephanie  
Pantelakos, Laura  
Syracusa, Anthony

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hemon, Roland  
Merrill, Amanda  
Pelletier, Marsha  
Sullivan, Henry  
Twardus, Joseph

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Merritt, Deborah  
Rogers, Rose Marie  
Taylor, Kathleen  
Vachon, Dennis

Brown, George  
Estabrook, Iris  
Lundborn, Raymond  
Musler, George  
Rollo, Michael  
Torr, Ann  
Wall, Janet

Callaghan, Frank  
Grassie, Anne  
McCann, William, Jr.  
Pelletier, Arthur  
Snyder, Clair  
Tsiros, William

### SULLIVAN

Burling, Peter  
Flint, Gordon  
Schotanus, Merle

Cloutier, John  
Krueger, Richard  
Wiggins, Celestine

Donovan, Thomas  
Leone, Richard

Ferland, Brenda  
Lindblade, Eric

### NAYS 88

### BELKNAP

Bartlett, Gordon

Holbrook, Robert

Lawton, David

Salatiello, Thomas

### CARROLL

Chandler, Gene  
Mock, Henry

Cooper, Kipp

Dickinson, Howard, Jr.

MacDonald, Kenneth

### CHESHIRE

Manning, Joseph

Smith, Edwin

Steere, Myron, III

### COOS

Pratt, Leighton

St. Hilaire, Paul

Tholl, John, Jr.

**GRAFTON**

|               |                |                  |                    |
|---------------|----------------|------------------|--------------------|
| Alger, John   | Cobbin, Philip | Connolly, Steven | Guaraldi, Lawrence |
| Hinman, Harry | Mirski, Paul   | Phinney, William | Root, John         |
| Weber, Phil   |                |                  |                    |

**HILLSBOROUGH**

|                  |                       |                     |                  |
|------------------|-----------------------|---------------------|------------------|
| Alukonis, David  | Batula, Peter         | Boutin, David       | Briefs, Geoffrey |
| Carney, Lauren   | Daniels, Gary         | Desrosiers, William | Feng, David      |
| Fenton, James    | Ferguson, Charles     | Golding, William    | Goulet, Maurice  |
| Hart, Nick       | Jean, Loren           | Kurk, Neal          | Letendre, Evelyn |
| Luebker, Bernard | MacGillivray, Jeffrey | McGough, Tim        | Mittelman, David |
| Murch, George    | O'Rourke, Thomas      | Pepino, Leo         | Peterson, Andrew |
| Riley, Frances   | Thulander, O. Alan    | Wright, George      |                  |

**MERRIMACK**

|                |                   |                   |                 |
|----------------|-------------------|-------------------|-----------------|
| Adams, Stephen | Brown, Mary       | Chandler, Earle   | Larrabee, David |
| Leber, William | Marshall, Kenneth | Whittemore, James |                 |

**ROCKINGHAM**

|                  |                     |                    |                    |
|------------------|---------------------|--------------------|--------------------|
| Arndt, Janet     | Camm, Kevin         | Carson, Gregory    | Cegelis, Mark      |
| Dunham, Vivian   | Flanders, David     | Klemm, Arthur, Jr. | Letourneau, Robert |
| Malcolm, Kenneth | McCarthy, John, Jr. | McKinney, Betsy    | Moore, Benjamin    |
| Morris, Debbie   | Noyes, Richard      | Packard, Sherman   | Reardon, Neil      |
| Rubin, George    | Smith, Kevin        | Stickney, Nancy    | Stritch, C. Donald |
| Tufts, J. Arthur | Verani, Giovanni    | Welch, David       | Weyler, Kenneth    |

**STRAFFORD**

|                |             |                  |                |
|----------------|-------------|------------------|----------------|
| Hilliard, Dana | Kaen, Naida | McKinley, Robert | Torr, Franklin |
|----------------|-------------|------------------|----------------|

**SULLIVAN**

|               |               |
|---------------|---------------|
| Adler, Rudolf | Kibbey, David |
|---------------|---------------|

and the report was adopted.

Rep. Bergin voted yea and intended to vote nay.

**HB 168**, establishing a joint committee on unfunded mandates. **INEXPEDIENT TO LEGISLATE**  
 Rep. Donnalee Lozeau for Legislative Administration: The consensus of the committee was that a joint committee on unfunded mandates such as that which this bill envisions would not substantively improve our ability to monitor compliance with Article 28A of the State Constitution. While the committee solidly supports legislative vigilance to prevent the imposition of unfunded mandates on New Hampshire cities and towns, the joint committee proposed in this bill has no mechanism to enforce compliance in cases where violations may be identified. Vote 16-0.  
 Adopted.

**HB 383**, requiring the nomination and election of the secretary of state and treasurer to be without regard to party affiliation of the candidate. **OUGHT TO PASS**  
 Rep. Amanda A. Merrill for Legislative Administration: The majority of the committee believes it is worthwhile to clarify in statute that our Secretary of State and State Treasurer shall be elected on the basis of personal qualifications, not party affiliation. Vote 12-1.  
 Adopted and ordered to third reading.

**HB 184-A**, requiring the state to reopen Mittersill ski area and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**  
 Rep. Gene G. Chandler for Public Works and Highways: This bill, if passed would appropriate 1.5 million dollars to reopen Mittersill Ski Area and do a master plan of the area. A couple of major problems exist with this idea, the first being that 1.5 million dollars is woefully short of being enough of an investment to properly reactivate Mittersill, let alone do a master plan. There is little question that Mittersill should be reactivated and become a vital part of the ski operation at Can-

non, but until such time as a number of state ski area questions are resolved or the state is willing to commit the many millions necessary to do the necessary work at the areas, another study or master plan would only gather dust. Since the majority of the committee voted inexpedient and a number of the minority wanted to explore re-referral, there wasn't much support in the committee for passage of this measure Vote 12-6.  
Adopted.

**HB 644-FN-A**, changing the rate of taxation for certain fuels subject to the road toll. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE

Rep. Winston H. McCarty for the Majority of Public Works and Highways: Despite the committee being aware that there is a small difference in the energy content of various types of fuel, the difference seems too insignificant to make any changes at this time in the fuel tax to compensate for these differences. The paper work and bureaucracy would be so complex to figure and collect fuel tax, and according to the proposed plans it did not seem worthwhile at this time. Only the prime sponsor spoke in favor of the bill. Vote 15-5.

Rep. Katherine D. Rogers for the Minority of Public Works and Highways: The intent of this bill was to make road tolls on motor fuel per gallon proportional to the energy content of a gallon of each fuel. The sponsor offered an amendment to bring this bill into revenue neutrality. The minority believes this concept warrants further study. We need to look for methods to move people toward the use of less-polluting fuel alternatives and this bill presents one such method.

Rep. MacGillivray spoke against.

Rep. Schotanus spoke in favor and yielded to questions.

Majority report adopted.

**HB 607-FN**, relative to special number plates for certain veterans. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders, Sr. For Transportation: It was felt by the committee that the process already in place, RSA 261A, covers this problem and the Commissioner of Public Safety has the authority to grant any special plates under certain provisions. Vote 13-0.

Rep. Root spoke against.

Reps. Hoadley and Kenney spoke against and yielded to questions.

Reps. John Flanders and Packard spoke in favor.

Rep. Kenney requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 177 NAYS 154

### YEAS 177

#### BELKNAP

Bartlett, Gordon  
Pilliod, James  
Ziegler, Alice

Clark, Charles  
Rice, Thomas, Jr.

Holbrook, Robert  
Salatiello, Thomas

Lawton, Robert  
Veazey, John

#### CARROLL

Babson, David, Jr.  
Foster, Robert  
Patten, Betsey

Bradley, Jeb  
Howard, Godfrey

Chandler, Gene  
MacDonald, Kenneth

Dickinson, Howard, Jr.  
Mock, Henry

#### CHESHIRE

Avery, Stephen  
McNamara, Wanda  
Royce, H. Charles

Burnham, Daniel  
Metzger, Katherine  
Russell, Ronald

Doucette, Richard  
Pratt, John  
Smith, Edwin

McGuirk, Paul  
Robertson, Timothy  
Vogl, John

#### COOS

Coulombe, Yvonne  
St. Hilaire, Paul

Davis, Perley

Horton, Lynn

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Connolly, Steven  
Hill, Richard  
Trelfa, Richard

Alger, John  
Copenhaver, Marion  
LaMott, Paul  
Williams, William, Jr.

Almy, Susan  
Eaton, Stephanie  
Mirski, Paul

Brown, Channing  
Guaraldi, Lawrence  
Teschner, Douglass

**HILLSBOROUGH**

Ackerman, Philip  
Batula, Peter  
Clay, Susan  
Durham, Susan  
Fenton, James  
Golding, William  
Holden, Carol  
Jean, Loren  
LaRose, Richard  
Lynde, Harold  
McCarty, Winston  
Mittelman, David  
Pepino, Leo  
Sargent, Maxwell  
Wheeler, Robert

Alukonis, David  
Bergin, Peter  
Cote, Peter  
Dwyer, Paul, Sr.  
Ferguson, Charles  
Goulet, Maurice  
Holley, Sylvia  
Johnson, Lionel  
Leonard, Peter  
MacAuslan, Rita  
McGough, Tim  
Murphy, Robert  
Peterson, Andrew  
Searles, Stanley, Sr.  
Wright, George

Amidon, Eleanor  
Briefs, Geoffrey  
Daniels, Gary  
Dyer, Merton  
Gagnon, Eugene  
Hansen, Herbert  
Holt, David  
Kurk, Neal  
Letendre, Evelyn  
MacGillivray, Jeffrey  
Mercer, Robert  
O'Hearn, Jane  
Reidy, Frank  
Thulander, O. Alan

Arnold, Thomas, Jr.  
Calawa, Leon, Jr.  
Dokmo, Cynthia  
Feng, David  
Ginsburg, Ruth  
Herman, Keith  
Hunter, Bruce  
L'Heureux, Robert  
Lozeau, Donnalee  
MacIntyre, Doris  
Milligan, Robert  
O'Rourke, Thomas  
Riley, Frances  
Turgeon, Roland

**MERRIMACK**

Chandler, Earle  
Dunn, Miriam  
Lamach, Bernard  
Nichols, Avis

Colburn, Kathleen  
Feuerstein, Martin  
Leber, William  
Whalley, Michael

Colburn, Thomas  
Gile, Mary  
Lockwood, Robert  
Whittemore, James

Crowell, Peter  
Hess, David  
Maxfield, Roy

**ROCKINGHAM**

Aranda, M. Kathryn  
Carson, Gregory  
Dowling, Patricia  
Frechette, Joseph  
Johnson, Robert  
Langone, John  
McCarthy, John, Jr.  
Packard, Sherman  
Smith, Kevin  
Verani, Giovanni

Arndt, Janet  
Case, Margaret  
Dube, LeRoy  
Gleason, John  
Katsakiores, George  
Letourneau, Robert  
McKinney, Betsy  
Raynowska, Bernard  
Stickney, Nancy  
Welch, David

Bishop, Franklin  
Christie, Andrew, Jr.  
Flanders, David  
Guthrie, Joseph  
Klemm, Arthur, Jr.  
Major, Norman  
Moore, Benjamin  
Reardon, Neil  
Tufts, J. Arthur  
Weyler, Kenneth

Camm, Kevin  
Dearborn, Bruce  
Flanders, John, Sr.  
Henderson, Warren  
Kobel, Rudolph  
Malcolm, Kenneth  
Noyes, Richard  
Rubin, George  
Varrell, Thomas  
Woods, Deborah

**STRAFFORD**

Hemon, Roland  
Sullivan, Henry

Lundborn, Raymond  
Torr, Ann

Musler, George  
Torr, Franklin

Rogers, Rose Marie  
Tsiros, William

**SULLIVAN**

Adler, Rudolf  
Leone, Richard

Ferland, Brenda  
Lindblade, Eric

Flint, Gordon  
Schotanus, Merle

Kibbey, David

**NAYS 154****BELKNAP**

Boyce, Robert  
Thomas, John

Lafam, Robert  
Turner, Robert

Lawton, David

Rosen, Ralph

**CARROLL**

Cooper, Kipp

Kenney, Joseph

Lyman, L. Randy

Philbrick, Donald

**CHESHIRE**

Bonneau, Sarah  
Meador, David  
Steere, Myron, III

DePecol, Benjamin  
Pratt, Irene

Lynch, Margaret  
Richardson, Barbara

Manning, Joseph  
Riley, William

**COOS**

Bradley, Paula  
Tholl, John, Jr.

Coulombe, Henry

Mears, Edgar

Moynihn, Wayne

**GRAFTON**

Below, Clifton  
Ham, Bonnie  
Nordgren, Sharon

Chase, Paul, Jr.  
Hinman, Harry  
Phinney, William

Cobbin, Philip  
Lovett, Sidney  
Root, John

Guest, Robert  
Luker, Elsa  
Weber, Phil

**HILLSBOROUGH**

Allen, W. Gordon  
Bernier, Shannon  
Cardin, Lori  
Clemons, Jane  
Daigle, Robert  
Foster, Joseph  
Gosselin, Gerald  
Kelley, Robert  
Luebker, Bernard  
Melcher, Harold  
Vaillancourt, Steve  
Williams, Carol

Asselin, Robert  
Boutin, David  
Carlson, Donald  
Clemons, Kevin, Sr.  
Desrosiers, William  
Foster, Linda  
Haettenschwiller, Alphonse  
Lefebvre, Roland  
Marcinkowski, Michael  
Messier, Irene  
Welch, Donald

Barry, William, III  
Brundige, Robert  
Carney, Lauren  
Cote, David  
Drabinowicz, A. Theresa  
Franks, Suzan  
Hart, Nick  
Leishman, Peter  
Martin, Mary  
Murch, George  
White, Donald

Belvin, William  
Buckley, Raymond  
Christiansen, Lars  
D'Allesandro, Lou  
Fields, Dennis  
Gage, Ruth  
Jean, Claudette  
Lessard, Rudy  
McDonald, James, Sr.  
Perkins, Paul  
White, Jay

**MERRIMACK**

Adams, Stephen  
DeStefano, Stephen  
Krueger, Patricia  
Moore, Carol

Anderson, Eric  
French, Barbara  
Langer, Ray  
Reardon, Tara

Burney, Carol  
Hoadley, Elizabeth  
Larrabee, David  
St. Cyr, Gerard

Daneault, Gabriel  
Jacobson, Alf  
Marshall, Kenneth  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Clark, Martha  
Dolan, Richard  
Heath, John  
Langley, Jane  
Morris, Debbie  
Sabella, Norma  
Vaughn, Charles

Belanger, Ronald  
Coes, Betsy  
Downing, Michael  
Hutchinson, Rebecca  
McGovern, Cynthia  
Norelli, Terie  
Schanda, Frank

Blanchard, MaryAnn  
Cooney, Richard  
Dunham, Vivian  
Katsakiores, Phyllis  
Micklon, Stephanie  
Nowe, Ronald  
Stritch, C. Donald

Cegelis, Mark  
Cushing, Robert  
Francoeur, Sheila  
Kelley, Jane  
Mikowski, Walter  
Pantelakos, Laura  
Syracusa, Anthony

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Hilliard, Dana  
McKinley, Robert  
Pelletier, Marsha  
Twardus, Joseph

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
Merrill, Amanda  
Rollo, Michael  
Vachon, Dennis

Brown, George  
Estabrook, Iris  
Keans, Sandra  
Merritt, Deborah  
Snyder, Clair  
Wall, Janet

Callaghan, Frank  
Grassie, Anne  
McCann, William, Jr.  
Pelletier, Arthur  
Taylor, Kathleen

**SULLIVAN**

Burling, Peter  
Wiggins, Celestine

Cloutier, John

Donovan, Thomas

Krueger, Richard

and the report was adopted.

**HB 132-FN**, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge. **RE-REFER TO COMMITTEE**  
 Rep. Allen K. MacNeil for Wildlife and Marine Resources: This proposed legislation was intended to provide a free hunting and fishing license to any person who was a legal resident of the state prior to entering the service, and in addition was stationed outside the state. Then the questions became more numerous than the answers. For example, must that prior resident still maintain residency? Does it cover persons living in New Hampshire, but working at a base out-of-state? And on and on. The committee felt that with a lot of work, (and negotiating) perhaps a satisfactory bill could be put in place to address the real intent of the sponsor and other supporters. Vote 11-2. Adopted.

**HB 151-FN-L**, establishing comprehensive medical, physical and psychological standards for law enforcement officers. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Herbert R. Hanson for Criminal Justice and Public Safety: This bill recommends psychological screening of final applicants for police positions beginning 1999. It also recommends the same medical examination and physical fitness requirements for hiring part time police officers as currently exist for full-time officers beginning next year, and recommends that all police officers hired after January 1, 2001, have medical examination and physical fitness tests at three year intervals during their careers. The bill grandfatheres existing officers and will not result in any present officer losing their job because of this new requirement. The amendment prevents any unfunded mandate on units of government by making requirements that would affect them subject to vote of the local governing body. It also prevents the Police Standards and Training Council from requesting communities to reconsider their vote more frequently than at 5-year intervals. Vote 17-0.  
 Rep. David Welch moved Recommit to Committee and spoke in favor.  
 Adopted.

### SPECIAL ORDER

Rep. Dwyer moved that **HCR 10**, urging recognition of the contributions made by the Irish potato famine immigrants and observation of the 150<sup>th</sup> anniversary of the Great Hunger, be made a Special Order for Wednesday, March 5, 1997 as the first order of business and spoke in favor.  
 Adopted without objection.

### REGULAR CALENDAR (CONT'D.)

**HB 310**, repealing RSA 14-B, relative to the legislative ethics committee. **INEXPEDIENT TO LEGISLATE**  
 Rep. Donnalee Lozeau for Legislative Administration: This bill would abolish the legislative ethics committee. The bill did not address any alternative body or other means of addressing legislative ethics issues. The committee found that every consequence of abolishing the ethics committee would be negative. The fundamental principle of self-policing is one key measure of our faith in the legislative process. While no such process is perfect, the committee feels that the goals of the legislative ethics committee are essential to maintaining the integrity of our process and public faith in our institution. Vote 12-0.  
 Rep. Hemon spoke against.  
 Reps. Burling and Lozeau spoke in favor.  
 Rep. McCann requested a Quorum Count.  
 The Speaker gavelled the proceedings to continue.  
 Rep. McCann spoke against.  
 Adopted.

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. McCann requested that his protest be entered on the Journal.  
 I hereby submit my protest to the Inexpedient to Legislate vote on HB 310, repealing RSA 14-B ethics guidelines for the New Hampshire General Court.  
 Testimony was received which showed the Committee, by its rules, violated RSA 91-A in the New Hampshire Right to Know Law. Such violation occurs in RSA 14-B:4, 1 and in procedural rules 3, I, III, V, VI, VII and X. Also RSA 14-B violates the prior restraint clause of the United States Constitution. For these reasons, I protest the above captioned vote.

A review of the June 1996 book of RSA 14-B Ethics Guidelines and Procedural Rules produced the following examples of statutory and Constitutional problems:

RSA 14-B:1 violates Part I, Article 30 of the New Hampshire Constitution which reads: "The freedom of deliberation, speech and debate in either house of the legislature is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution in any other court or place whatsoever."

Further, conduct of the Ethics Committee during Complaint 96-1 attempts to expand the scope of jurisdiction of the Ethics Committee by involving itself in "type of bill." Page 3, paragraph 8 of the transcript of Complaint 96-1 reads as follows: "Sen. Russman: Mr. Chairman, I guess that I'm not so sure but what – the issue is fairly narrow as to whether to file this type of bill is in violation of the ethical guidelines. I'm not sure it matters what the reasoning was one way or the other. It's like if you're doing – potentially if you're doing 65 in a 50 zone, the question is, you know, were you or were you not? I guess I'm not so sure that that is required to have those people here, what they might lend to it one way or the other."

RSA 14-B:2 II appears to violate the right to challenge a committee member for bias or conflict of interest.

RSA 14-B:3 I (d) appears to violate RSA 91-A regarding open public meetings. Page 1, paragraph 3 of the transcript of Complaint 96-1 reads as follows: "Russell Hilliard: We're here to conduct a hearing this morning on Complaint 96-1. I consulted before the meeting with a representative of Rep. Hemon, and it's agreed that the hearing will take place in open session."

Rule of Procedure 2-II violates RSA 91-A regarding public meetings. Committee business transacted by phone does not constitute a public meeting. See Revised Rules of the Joint Legislative Committee on Administrative Rules and subsequent rulings of that body. Rule 3-I violates RSA 91-A regarding open public meetings.

In addition to violation of the Constitution and statute, the procedures used in Complaint 96-1 show that the Ethics Committee, by its own actions or lack thereof, does not follow RSA 14-B or the Rules of Procedure.

For the purpose of this protest, I will simply cite the areas of law and rule not followed by the Ethics Committee in considering Complaint 96-1, the full transcript of which I have reviewed. I also attended two of the three open hearings.

The following RSAs were not followed: RSA 14-B:4 I, RSA 14-B:4 IV, RSA 14-B:4 V and RSA 14-B:4 VI. The following Rules were not followed: Rules 4-I, 6-I, 7-I, 7-IV(b) and 8-V.

## RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 809, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

## INTRODUCTION OF HOUSE BILL

### First, second reading and referral

**HB 809**, establishing a committee to study the feasibility of bringing the New England Patriots to New Hampshire. (Hurt, Belk 4; Carson, Rock 29; Hunt, Ches 10; B. Moore, Rock 21; Gordon, Dist 2; Pignatelli, Dist 13; Cohen, Dist 24: Commerce)

## RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 49 and 182 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

## INTRODUCTION OF SENATE BILLS

### First, second reading and referral

**SB 49-FN**, clarifying certain procedures under the lead paint law. (Health, Human Services and Elderly Affairs)

**SB 182-FN**, relative to the administration, operation, and maintenance of the New Hampshire state veterans cemetery. (Public Works and Highways)

## RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 5, 1997 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 249**, clarifying the authority of certain officials and law enforcement officers to serve cease and desist orders against planning and zoning violations.

**HB 313**, clarifying the authority of security officers on the New Hampshire hospital campus.

**HB 392**, changing references to the "BOCA Basic Building Code" to "BOCA National Building Code."

**HB 318**, making technical changes to the provisions relating to school administrative units.

**HB 183**, relative to the state representative districts of towns.

**HB 252**, relative to posting of bylaws in advance of any town election.

**HR 10**, requesting that certain media entities refrain from prematurely proclaiming the winners in state and federal elections.

**HB 265**, repealing certain rulemaking authority of the commissioner of transportation.

**HB 269**, relative to the compensation of sweepstakes commissioners who are members of a multi-state lottery commission.

**HB 425**, relative to the regulation of pharmacists.

**HB 434**, relative to milk products of sheep and goats and milk producer permits and allowing the commissioner of the department of health and human services to impose certain administrative fines.

**HB 437-FN-L**, relative to certain health officers.

**HB 300**, establishing a commission to study judicial salaries and retirement benefits.

**HB 332**, repealing the law which prohibits an entity which conducts horse or dog racing from employing a member of the general court.

**HB 539-L**, relative to the tax lien process for quarterly tax bills in the city of Concord.

**HCR 9**, urging the governor and general court to take action to bring about property tax relief.

**HB 344-L**, relative to planning board procedures on plats.

**HB 343-L**, relative to authority by governmental entities over driveways and other accesses to public ways.

**HB 391**, making the office of emergency management the administrator of the grant program for the civil air patrol in New Hampshire.

**HB 678**, relative to the expansion of veterans' home services.

**HB 382**, requiring vehicles transporting loads on ways where the speed limit is 30 miles per hour or greater to cover the load.

**HB 445**, extending the reporting date of the paperless title system study committee.

**HB 473**, relative to the use of watercraft and boats on the waters of Chocorua Lake in the town of Tamworth.

**HB 383**, requiring the nomination and election of the secretary of state and treasurer to be without regard to party affiliation of the candidate.

## UNANIMOUS CONSENT

Rep. Mirski moved that the remarks made by Rep. Feng be printed in the Journal.

Adopted.

Rep. Feng addressed the House.

Thank you Madam Speaker and distinguished members of the House. Last week, we heard about Wentworth-by-the-Sea. Today, I would like to talk to you about the historical significance behind

what we call the Treaty of Portsmouth. Before I proceed, I will relate to you some of the historic background of this particular treaty, but first I would like to offer you an analogy. You have an old lady living in a mansion with quite a lot of acreage. During her younger years, she squandered her money and lived a very extravagant lifestyle and she has disowned a lot of her relatives. When she became old, she was left defenseless. This was well known around the community, and there were quite a lot of murderers and robbers around that area. They came to that particular mansion and stole from and burgled that particular lady. There seemed to be a path between all those invaders. They said that if you want to steal from this old lady that they would keep their hands off a particular portion of the mansion. However, later there was one especially strong and younger invader and he did not want to play by the rules. One day, he invaded that lady's mansion at the same time as an older and much more cunning invader was invading the house. A fight ensued. The old lady finally said that she would have to call the police. The police did arrive, but strangely enough the police were very good hearted and said that since the two invaders fought each other and the younger intruder won that he should have gotten all the prizes from the fight and that the old cunning invader should yield. This went on for a while and the younger invader was getting more greedy and more bold. One day, the police said this cannot happen and we have to do something about it. When the policemen confronted this particular burglar, the burglar turned on him and almost fatally wounded the policeman. This had a lot of implications, because the cunning, old invader wanted to take his own revenge. So, he got together with the policeman and he subdued that particular invader. Here, I end this analogy.

Let me roll history back about 200 years to the beginning of the 1800s. The English had already colonized India and they had a company called the East India Trading Company. With their naval power, they started coming into China. Lesson one is that a country, especially the United States, today should learn these lessons. Number one is that you have to keep your economic power and number two is that you have to keep your military power. China, at the time, was called the Tiger of the East. They were powerful on the surface. They were powerful even in certain specific areas. This goes on for about 40 years. The British government was using India to grow their opium and were sending it to China. Most Chinese were addicted to opium. If you have read history, you might have read that. Finally, the government, this very weak old government, said that they could not do this anymore; they were going to have to ban opium. This was in 1844. I will advance the history a little further, and we had an opium war. China was defeated by the British. In those days, it was what we called gunboat diplomacy. A treaty was made in which China gave the territorial rights to Hong Kong to the British. That was in 1844. At the same time, China also ceded their right to Vietnam. Vietnam became a protectorate of the French. Macao was given to the Portuguese. Now, I will go a little bit further in history again. In 1860, the Russians in the north said they were going to extend the Siberian Railroad all the way through the northeast province of China because that part has one of the peninsulas which will provide deepwater ports for Russia. We all know Russia was a landlocked country. They didn't have any access to seaports. In order to extend their naval power they needed that particular port. So, they first coerced China into giving them the right to extend the Siberian Railroad into Chinese territory. At just about that time, Japan had emerged from feudalism and was gradually becoming an industrial power. But, Japan was a very small island. They did not have the resources to satisfy their intention to conquer the world. The first thing they did was go into Korea. At that time, Korea was also a protectorate of the Chinese. In 1895, the Korean people asked the Chinese to help them to expel the Japanese. A war was fought and China lost again. At that time, the Japanese demanded that the northeast provinces be part of their territory and also that the Chinese give them Taiwan — today the Republic of China. However, Russia was not very happy about that so with the help of the British they forced the Japanese to vacate that particular item in the treaty. Ten years later, this sowed the seeds for the Russian and Japanese War, which happened in 1904 and 1905. At the turn of the century, the 1900s, the Chinese were so unhappy with what were called the foreign devils that they started literally killing the foreigners. That started what was called a United Army from eight western countries. They invaded China but China had no way to defend itself. Everybody from that time on got a piece of the territory. The British got their hundred-year lease of Hong Kong officially. The United States did not demand any of the territorial rights in China. As a matter of fact, the United States was afraid that after the war China would be so divided up that the country would no longer be there. After that war, there were individual treaties to every one of the eight countries involved and China paid restitution to

every country. The United States said they would take the money but that they would use it to build universities in China. Today, there are three very famous universities. They are the equivalent of Yale, Harvard and MIT. The Chinese are grateful for that. However, in 1905 the Japanese still weren't satisfied with the provisions made in 1895 so they declared war on Russia. Again; they defeated Russia. That was the treaty made here in Portsmouth. I have to make a comment about something quite strange. The two countries fought a war over territory that did not belong to either of them, but they got a piece of it. Of course, that was in 1905 and as you all know, 30 years later the Japanese turned on America and attacked her Pearl Harbor. It is ironic that from several of these incidents we can draw lessons from history. Number one, as I said before, is that we must keep our country strong economically and militarily. That is the only way you can prevent anyone from trying to invade you. Number two is that we cannot appease aggressors. The aggressor must be put down immediately to show your willingness to confront the aggressor. Again, number three is you do not appease. Of course, before the end of the war the Russians, the Americans, the British had one particular conference called the Yalta Conference. Russia demanded that because they had gotten into the war to defeat the Japanese, they must be given the northeast provinces. In those days, the full Japanese military were put into reserve to fight the American invasions. They never used those troops. All their weapons were given to the Communists. That is the reason that in two years the communists defeated the Nationalist Chinese. By the way, I am a Nationalist Chinese soldier. I was a Lieutenant in the Nationalist Chinese Army and I fought in 1958. I really appreciate you giving me the opportunity to relate to you this 200-year history. It is a short version, but I appreciate it very much. I probably would not be here to address you if it were not for the Seventh Fleet ordered by President Eisenhower to the Taiwan Straits in 1958 to help defend the Quemoy Islands. Thank you, Madam Speaker.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill reports and enrolled bill amendments only.

Adopted.

The House recessed at 2:20 p.m.

### RECESS

(Rep. Mercer in the Chair)

### RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. Pilliod offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1, 2 and 50 and House Joint Resolution numbered 7, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS and HJR

#### First, second reading and referral

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1998, and June 30, 1999. (Kurk, Hills 5: Finance)

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. (Kurk, Hills 5: Finance)

**HB 50-FN-A-L**, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor. (Burling, Sull 1; A. Torr, Straf 12: Education)

**HJR 7**, urging the United States Congress and the Veterans Administration to maintain adequate health care services for New Hampshire veterans. (Root, Graf 8; Fields, Hills 18: State-Federal Relations and Veterans Affairs)

### RECESS

**(Rep. Channing Brown in the Chair)**

**RESOLUTION**

Its introduction having been approved by the Rules Committee:

Rep. Simmons offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 51 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL**

**First, second reading and referral**

**HB 51-FN-A**, extending the temporary tax rates of the meals and rooms tax, communications services tax, and real estate transfer tax through the biennium ending June 30, 1999. (Burling, Sull 1: Finance)

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 10**

Wednesday, March 5, 1997

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Carolyn H. Keilig.

Eternal and unchanging God, be with us as we work this day. May our wisdom be as solid as the granite of our beloved state. Yet, let us balance that wisdom with the willingness to be open, and the ability to seek out fresh ideas, like a gentle but persistent ocean breeze. With another New Hampshire mud season at hand, may we not get mired down in the things that divide us, but rather let us seek out common ground, for the good of all. Give each of us the strength to serve You, and those of this state, all of whom You love. Amen.

Rep. Robert Lawton led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. George Brown, Burnham, Brennan, David Cote, Felch, Beverly Gage, Guay, Cecelia Kane, Laflam, Lovejoy, MacIntyre, O'Connell, Paul Taylor and Vincent, the day, illness.

Reps. Allen, Ameen, Asselin, Briefs, Dowd, Feng, Feuerstein, Lavoie, Morello, O'Keefe, Palmer, Spear and Vogl, the day, important business.

Rep. Ham, the day, death in the family.

Rep. Guaraldi, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Glenn Northrup and Tom O'Connor, guests of Rep. Daneault. Sue and Jessica Warren, guests of Rep. Birney. Nashua Mayor Don Davidson and Manchester Mayor Ray Wieczorek, guests of the House.

**AMENDMENT TO HOUSE RULES**

The Rules Committee offered the following:

**Amendment (0588h)**

Amend House Rule 64 by replacing the entry for March 5 with the following:

**MARCH 6, Thursday**

Last day to report all bills going to a second committee, except the capital budget.

Amend House Rule 64 by replacing the entries for March 12 and March 19 with the following:

**MARCH 13, 1997, Thursday**

Last day to report all other bills, except the operating budget, the capital budget, and all bills in the Finance Committee.

Last day to refer bills to a second committee, except the capital budget.

**MARCH 19, 1997, Wednesday**

Last day to act on bills not in a second committee, except the budgets and all bills in the Finance Committee.

Amend House Rule 64 by inserting the following entry after the March 19 entry:

**MARCH 20, 1997, Thursday**

Last day to report the capital budget from the Public Works Committee.

Amend House Rule 64 by replacing the April 2 entry with the following:

**APRIL 2, 1997, Wednesday**

Last day to report all remaining House bills, except the operating budget.

Amend House Rule 64 by inserting the following entry after the April 2 entry:

**APRIL 3, 1997, Thursday**

Last day to report the operating budget.

**AMENDED ANALYSIS**

This amendment changes the reporting deadline for bills going to a second committee from March 5 to March 6 and the reporting deadline for all other bills, except the capital budget and operating budget, from March 12 to March 13, and delays the reporting and action deadlines for bills in the Finance Committee until April 2 and April 10, respectively.

The amendment also makes March 20 the last day to report the capital budget from the Public Works Committee and changes the last day to report the operating budget from April 2 to April 3. Reps. Wheeler and Burling moved that the amendment be adopted.

Rep. Wheeler spoke in favor.

Adopted.

### SPECIAL ORDER

**HCR 10**, urging recognition of the contributions made by the Irish potato famine immigrants and observation of the 150<sup>th</sup> anniversary of the Great Hunger.

#### INEXPEDIENT TO LEGISLATE

Rep. George W. Wright for Education: The committee determined that this resolution is unnecessary. Remembrance can compensate for a troubled past, but it can also hobble the future. Vote 17-1.

Rep. Weatherspoon spoke against and yielded to questions.

Reps. Cushing, William McCarthy, Sabella and Manning spoke against.

Rep. Belvin spoke in favor and yielded to questions.

Rep. Sabella requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 154 NAYS 190

#### YEAS 154

#### BELKNAP

|                  |                |                |                   |
|------------------|----------------|----------------|-------------------|
| Bartlett, Gordon | Boriso, Thomas | Boyce, Robert  | Holbrook, Robert  |
| Hurt, George     | Lawton, David  | Pilliod, James | Rice, Thomas, Jr. |
| Thomas, John     | Turner, Robert | Ziegler, Alice |                   |

#### CARROLL

|                        |                |                 |                   |
|------------------------|----------------|-----------------|-------------------|
| Babson, David, Jr.     | Bradley, Jeb   | Chandler, Gene  | Cooper, Kipp      |
| Dickinson, Howard, Jr. | Foster, Robert | Howard, Godfrey | Lyman, L. Randy   |
| MacDonald, Kenneth     | Mock, Henry    | Patten, Betsey  | Philbrick, Donald |

#### CHESHIRE

|                    |                    |                   |                    |
|--------------------|--------------------|-------------------|--------------------|
| Champagne, Richard | Hunt, John         | McNamara, Wanda   | Metzger, Katherine |
| Riley, William     | Robertson, Timothy | Royce, H. Charles | Smith, Edwin       |
| Steere, Myron, III |                    |                   |                    |

#### COOS

|              |                 |                 |
|--------------|-----------------|-----------------|
| Horton, Lynn | Merrill, Gerald | Pratt, Leighton |
|--------------|-----------------|-----------------|

#### GRAFTON

|                        |                    |                 |                  |
|------------------------|--------------------|-----------------|------------------|
| Akins, Ralph           | Alger, John        | Brown, Channing | Chase, Paul, Jr. |
| Eaton, Stephanie       | Hill, Richard      | MacNeil, Allen  | Phinney, William |
| Root, John             | Teschner, Douglass | Trelfa, Richard | Weber, Phil      |
| Williams, William, Jr. |                    |                 |                  |

#### HILLSBOROUGH

|                       |                        |                       |                    |
|-----------------------|------------------------|-----------------------|--------------------|
| Alukonis, David       | Amidon, Eleanor        | Arnold, Thomas, Jr.   | Batula, Peter      |
| Belvin, William       | Carlson, Donald        | Carney, Lauren        | Christiansen, Lars |
| Clay, Susan           | Daniels, Gary          | Dawe, Eileen          | Dokmo, Cynthia     |
| Durham, Susan         | Emerton, Lawrence, Sr. | Ferguson, Charles     | Franks, Suzan      |
| Goulet, Maurice       | Hansen, Herbert        | Herman, Keith         | Holden, Carol      |
| Holt, David           | Hunter, Bruce          | Jean, Claudette       | Jean, Loren        |
| Kurk, Neal            | L'Heureux, Robert      | Leishman, Peter       | Letendre, Evelyn   |
| Lozeau, Donnalee      | Luebker, Bernard       | MacGillivray, Jeffery | McCarty, Winston   |
| McRae, Karen          | Mercer, Robert         | Messier, Irene        | Mittelman, David   |
| O'Hearn, Jane         | Piteri, Dawn           | Riley, Frances        | Sargent, Maxwell   |
| Searles, Stanley, Sr. | Thulander, O. Alan     | Wheeler, Robert       | White, Donald      |
| Wright, George        |                        |                       |                    |

**MERRIMACK**

Chandler, Earle  
Lamach, Bernard  
Lockwood, Robert  
Pfaff, Terence

Colburn, Kathleen  
Langer, Ray  
Maxfield, Roy  
Whalley, Michael

Colburn, Thomas  
Larrabee, David  
Morrill, Olive

Hoadley, Elizabeth  
Leber, William  
Nichols, Avis

**ROCKINGHAM**

Aranda, M. Kathryn  
Carson, Gregory  
Dearborn, Bruce  
Flanders, John, Sr.  
Guthrie, Joseph  
Katsakiores, Phyllis  
Major, Norman  
Noyes, Richard  
Stone, Joseph  
Welch, David

Arndt, Janet  
Case, Margaret  
Dube, LeRoy  
Francoeur, Sheila  
Henderson, Warren  
Klemm, Arthur, Jr.  
Mikowski, Walter  
Packard, Sherman  
Tufts, J. Arthur  
Weyler, Kenneth

Beaulieu, Jon  
Cegelis, Mark  
Dunham, Vivian  
Frechette, Joseph  
Johnson, Robert  
Langone, John  
Moore, Benjamin  
Rubin, George  
Varrell, Thomas  
Woods, Deborah

Camm, Kevin  
Cote, Patricia  
Fesh, Robert  
Gleason, John  
Katsakiores, George  
Letourneau, Robert  
Nowe, Ronald  
Stickney, Nancy  
Verani, Giovanni

**STRAFFORD**

Bickford, David

Musler, George

Rollo, Michael

**SULLIVAN**

Adler, Rudolf  
Leone, Richard

Flint, Gordon

Kibbey, David

Krueger, Richard

**NAYS 190****BELKNAP**

Clark, Charles  
Salatiello, Thomas

Golden, Paul  
Veazey, John

Lawton, Robert

Rosen, Ralph

**CARROLL**

Kenney, Joseph

**CHESHIRE**

Avery, Stephen  
Lynch, Margaret  
Meador, David

Bonneau, Sarah  
Lynott, Margaret  
Pratt, John

DePecol, Benjamin  
Manning, Joseph  
Richardson, Barbara

Doucette, Richard  
McGuirk, Paul

**COOS**

Bradley, Paula  
Hawkinson, Marie  
Tholl, John, Jr.

Coulombe, Henry  
Mears, Edgar

Coulombe, Yvonne  
Moynihan, Wayne

Davis, Perley  
St. Hilaire, Paul

**GRAFTON**

Almy, Susan  
Guest, Robert  
Mirski, Paul

Below, Clifton  
Hinman, Harry  
Nordgren, Sharon

Cobbin, Philip  
Lovett, Sidney

Copenhaver, Marion  
Luker, Elsa

**HILLSBOROUGH**

Ackerman, Philip  
Bernier, Shannon  
Burke, M. Virginia  
Clegg, Robert, Jr.  
D'Allesandro, Lou  
Dwyer, Paul, Sr.  
Flora, Kathleen  
Gagnon, Eugene

Baroody, Benjamin  
Boutin, David  
Calawa, Leon, Jr.  
Clemons, Jane  
Daigle, Robert  
Dyer, Merton  
Foster, Joseph  
Ginsburg, Ruth

Barry, William, III  
Brundige, Robert  
Cardin, Lori  
Clemons, Kevin, Sr.  
Desrosiers, William  
Fenton, James  
Foster, Linda  
Golding, William

Bergin, Peter  
Buckley, Raymond  
Chabot, Robert  
Cote, Peter  
Drabinowicz, A. Theresa  
Fields, Dennis  
Gage, Ruth  
Gosselin, Gerald

Haettenschwiler, Alphonse  
Johnson, Lionel  
Leonard, Peter  
McCarthy, William  
Milligan, Robert  
Reidy, Frank  
White, Jay

Hall, Betty  
Kelley, Robert  
Lessard, Rudy  
McDonald, James, Sr.  
Murphy, Robert  
Turgeon, Roland  
Williams, Carol

Hart, Nick  
LaRose, Richard  
Lynde, Harold  
McGough, Tim  
Pepino, Leo  
Vaillancourt, Steve

Holley, Sylvia  
Lefebvre, Roland  
Marcinkowski, Michael  
Melcher, Harold  
Perkins, Paul  
Welch, Donald

### MERRIMACK

Adams, Stephen  
Crosby, Toni  
French, Barbara  
Krueger, Patricia  
Rogers, Katherine  
Wallner, Mary Jane

Anderson, Eric  
Daneault, Gabriel  
Gile, Mary  
Marshall, Kenneth  
Seldin, Gloria  
Yeaton, Charles

Brown, Mary  
DeStefano, Stephen  
Hess, David  
Owen, Derek  
St. Cyr, Gerard

Burney, Carol  
Fraser, Marilyn  
Jacobson, Alf  
Reardon, Tara  
Wallin, Jean

### ROCKINGHAM

Abbott, Dennis  
Blanchard, MaryAnn  
Cooney, Richard  
Dowling, Patricia  
Gibbons, Paul  
Kelley, Jane  
McCarthy, John, Jr.  
Millard, Ralph  
Raynowska, Bernard  
Stritch, C. Donald

Battles-Peirce, Marjorie  
Christie, Andrew, Jr.  
Cushing, Robert  
Downing, Michael  
Griffin, Mary  
Kobel, Rudolph  
McGovern, Cynthia  
Morris, Debbie  
Sabella, Norma  
Syracusa, Anthony

Belanger, Ronald  
Clark, Martha  
Dodge, Robert  
Flanagan, Natalie  
Heath, John  
Langley, Jane  
McKinney, Betsy  
Norelli, Terie  
Schanda, Frank  
Vaughn, Charles

Bishop, Franklin  
Coes, Betsy  
Dolan, Richard  
Flanders, David  
Hutchinson, Rebecca  
Malcolm, Kenneth  
Micklon, Stephanie  
Pantelakos, Laura  
Smith, Kevin  
Weatherspoon, Jackie

### STRAFFORD

Berube, Roger  
Estabrook, Iris  
Keans, Sandra  
Merrill, Amanda  
Smith, Marjorie  
Torr, Ann  
Vachon, Dennis

Callaghan, Frank  
Hemon, Roland  
Knowles, William  
Merritt, Deborah  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

DeChane, Marlene  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Sullivan, Henry  
Tsiros, William

Dunlap, Patricia  
Kaen, Naida  
McKinley, Robert  
Rogers, Rose Marie  
Taylor, Kathleen  
Twardus, Joseph

### SULLIVAN

Burling, Peter  
Lindblade, Eric

Cloutier, John  
Schotanus, Merle

Donovan, Thomas  
Wiggins, Celestine

Ferland, Brenda

and the report failed.

Rep. McCann did not vote and wished to be recorded against.

Rep. Simmons did not vote and wished to be recorded in favor.

Rep. Cushing moved Ought to Pass.

Adopted and ordered to third reading.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 464-FN**, regarding notice provisions for waxes applied to fresh fruit, removed by Rep. Hall.

**HB 121**, relative to quality review for accountancy and requiring the board of accounting to adopt administrative rules, removed by Rep. Dodge.

**HB 286-FN-A**, lowering the rate of the interest and dividends tax, removed by Rep. Jacobson.

**CACR 20**, relating to the appointment and terms of probate court judges. Providing that all probate court judges be full-time and subject to term limits, removed by Rep. McCann.

**HB 365**, providing that communications made during family mediation shall be privileged, removed by Rep. Wallin.

**HB 394**, restricting the jurisdiction of the probate courts over estates, removed by Rep. McCann.  
**HR 12**, urging that impeachment proceedings be instituted posthumously against the late John C. Fairbanks, removed by Rep. McCann.

**HB 479**, establishing a committee to study the merits of installation of dual pipe and tank septic systems, removed by Rep. Lefebvre.

Consent Calendar adopted.

**HB 263-FN**, relative to viatical settlements which are settlements between an insurance provider and a policy holder with a life-threatening illness. RE-REFER TO COMMITTEE

Rep. Tara G. Reardon for Commerce: Viatical settlements are a relatively new product. Although the committee recognizes the importance of regulation in this area to protect the consumer, the subject is complex and warrants further study. The committee also notes that these settlements may have multi-departmental impact. In the interim, the consumer has protections under federal law. Vote 14-0.

**HB 324**, relative to the qualifications of bank examiners. OUGHT TO PASS

Rep. George Hurt for Commerce: This legislation removes an antiquated 1925 law that severely limits a New Hampshire bank examiners access to credit. This legislation allows, after certain disclosures to the Bank commissioner, bank examiners fair access to credit such as mortgages and personal loans. Vote 12-0.

**HB 353**, establishing a committee to study issues regarding prosecutions and sentencing of, and incarceration treatment for, persons convicted of sex-related crimes. RE-REFER TO COMMITTEE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: The committee heard testimony on more than one bill dealing with incarceration, treatment and sentencing for persons convicted of sex-related crimes. It was the unanimous vote of the committee to use HB 353 as the vehicle to study these complex issues and come back with recommendations in the 1998 session. Vote 11-0.

**HB 438-FN**, allowing the court to impose certain chemical treatments on repeat child molesters. INEXPEDIENT TO LEGISLATE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill seeks to establish a voluntary chemical treatment program for repeat child molesters. The committee is recommending ITL with the intention of addressing this issue under the committee to be established by HB 353. Vote 11-0.

**HB 625-FN**, establishing heightened criminal penalties for threatening or assaulting a teacher. INEXPEDIENT TO LEGISLATE

Rep. Frank M. Schanda for Criminal Justice and Public Safety: The sponsor of this bill asked to withdraw the bill, but under our rules, every bill has an opportunity to be heard. No one was present to testify. The committee voted the bill inexpedient to legislate. Vote 12-0.

**HB 652**, establishing a committee to study certification of police and fire dispatchers. OUGHT TO PASS

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill calls for a legislative study committee to consider the possibility of establishing a certification process for police and fire dispatchers. Testimony convinced the committee that minimum standards are necessary and voted in favor of studying the matter in a formal manner. Vote 12-0.

**HB 253-FN-L**, relative to special education services. INEXPEDIENT TO LEGISLATE

Rep. Jane E. O'Hearn for Education: The committee found the objectives of this bill requiring the state board of education to adopt rules for special education program approval, were already appropriately covered by existing standards. The department of education found it costly and difficult to judge costs and qualifications when they were not direct participants in the development of an Individualized Educational Plan (IEP) with an out-of-district placement. Vote 16-0.

**HB 317**, clarifying certain provisions of law relating to compulsory attendance for home education pupils and relative to dual enrollment provisions. INEXPEDIENT TO LEGISLATE

Rep. Arthur J. Pelletier for Education: Since the introduction of this bill, discussions with the department of education and the Home Education Advisory Council determined that the proposed legislation would not result in further clarification of existing law. Vote 16-0.

**HB 388**, providing that one member of the state board of education shall be a currently certified and employed New Hampshire public school teacher. **INEXPEDIENT TO LEGISLATE**  
 Rep. Richard L. Hill for Education: The committee felt this bill was in conflict with the current law and opinion of the justices (1973) 113 NH 457, 309 A2d 215 regarding the prohibition of public or private teachers from being a member of the state board of education. The state board of education has seven civic minded members, one from each council district and two who serve at large. Vote 20-0.

**HB 450**, relative to accessing directory information as defined by the Family Educational Rights and Privacy Act. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. William A. Riley for Education: This is a privacy bill as amended. It gives parents and students who are 18 years old control over what personal information they will allow to be printed in a local education agency directory published for general distribution. Vote 16-0.

#### **Amendment (0320h)**

Amend the bill by replacing section 1 with the following:

1 New Section; Directory Information Which May Be Disclosed. Amend RSA 189 by inserting after section 1-d the following new section:

189:1-e Directory Information. A local education agency which maintains education records may provide information designated as directory information consistent with the Family Educational Rights and Privacy Act (FERPA), provided that no item or items of information shall be disclosed without prior written approval of the pupil's parent or the pupil if the pupil is at least 18 years of age. Such approval shall be renewed on an annual basis. Items of directory information, which is information not generally considered harmful or an invasion of privacy if disclosed, shall include:

- I. Name, address, and telephone number of a student.
- II. Field of study.
- III. Weight and height of athletes.
- IV. Most recent previous school attended.
- V. Date and place of birth.
- VI. Participation in officially recognized activities and sports.
- VII. Date of attendance, degrees, and awards.

#### **AMENDED ANALYSIS**

This bill specifies items of directory information, which is information not generally considered harmful or an invasion of privacy if disclosed consistent with the Family Educational Rights and Privacy Act (FERPA) with written approval of the pupil's parent or the pupil if the pupil is at least 18 years of age.

**HB 748-FN**, clarifying the school building aid law relative to kindergarten programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Suzan L. R. Franks for Education: This act as amended will clarify the school building aid and kindergarten aid laws as requested by the State Department of Education. The amendment will allow this act to take effect upon passage. Vote 20-0.

#### **Amendment (0408h)**

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.  
 Referred to Finance.

**HB 235-FN-L**, requiring a special election to be held when a vacancy occurs in the office of county sheriff. **INEXPEDIENT TO LEGISLATE**

Rep. Nick Hart for Election Law: The Committee felt the expense for special elections for these offices was not necessary. The Superior Court has appointed qualified persons to fill these vacancies. Vote 17-0.

**HB 408**, relative to using name stickers on election ballots. **RE-REFER TO COMMITTEE**  
 Rep. Raymond C. Buckley for Election Law: The Supreme Court is expected to rule on a N.H. case relative to stickers used in this past election. The Committee would like to have this bill re-referred to deal with the court ruling. Vote 17-0.

**HB 800**, redistricting the executive council districts. INEXPEDIENT TO LEGISLATE

Rep. Thomas I. Arnold, Jr. for Election Law: The Committee recognized the concerns represented by this bill and will combine them into the consideration of CACR 8 which was re-referred by the House. Vote 14-0.

**HB 213**, establishing a committee to study the issues of licensing of psychologists, pastoral counselors, clinical social workers, mental health counselors, and marriage and family therapists. INEXPEDIENT TO LEGISLATE

Rep. Miriam D. Dunn for Executive Departments and Administration: The issues in this bill are now under consideration in other legislation moving through this session. Therefore, a separate study committee does not seem necessary. Vote 16-0.

**HB 282**, relative to enforcement of compliance by agencies with statutory authority for administrative rulemaking and other grounds for final objection by the joint committee on administrative rules. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: The intent of the bill is to allow the Joint Legislative Committee on Administrative Rules to insure that all rules that are proposed for adoption comply with the legislative authority. The committee felt that the method to insure compliance outlined in the bill was very severe and dependent upon the governor taking action at the request of the JLCAR. This action might or might not be taken and if not, there is no method of resolution. At the present time, JLCAR has among its motions a joint resolution which will send the proposed rules to the full legislature for resolution. This will hold up adoption until resolved by the legislature. Vote 16-0.

**HB 303**, relative to accountancy. RE-REFER TO COMMITTEE

Rep. Myron S. Steere, III for Executive Departments and Administration: This bill makes a number of changes in the definition and requirements in RSA 309-B concerning public accounting. The sponsor and committee agreed further research and discussion was required to prepare the bill for presentation in the next session. Vote 15-0.

**HB 322**, relative to bingo and lucky 7 inspectors. INEXPEDIENT TO LEGISLATE

Rep. Ray F. Langer for Executive Departments and Administration: It is the opinion of the committee that this legislation is not necessary. An assignment as supervisor by the Commissioner of Safety, under RSA 21-P:11 does not change the retirement status of the State Police officer. The police officer remains a police officer in group II of the retirement system regardless of the assignment. Vote 14-0.

**HB 393**, relative to the mental health practice act, including establishing a clients' bill of rights. INEXPEDIENT TO LEGISLATE

Rep. Miriam D. Dunn for Executive Departments and Administration: Other legislation in this session deals with the mental health practice act. A client "bill of rights" is not now required of other health professions, but is being used voluntarily by some entities in the mental health field. Vote 17-0.

**HB 461-FN**, authorizing the New Hampshire hospital and the department of transportation to settle claims when the amount is less than \$500. INEXPEDIENT TO LEGISLATE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill deals with the threshold amount for claims against the New Hampshire Hospital and the Department of Transportation that are remanded to the Board of Claims. The committee has now in its possession SB 60 which also deals with the threshold amount for the New Hampshire State Hospital. By keeping this bill in preference to HB 461, the committee can hold a public hearing on the bill and include an amendment that was presented for the house bill but which did not have an adequate hearing. Vote 17-0.

**HB 600**, consolidating administrative support for the regulation of health professionals. RE-REFER TO COMMITTEE

Rep. Gerald O. Gosselin for Executive Departments and Administration: The intention is to consolidate the administrative support services for health boards in the areas of secretarial services, issues of licenses, providing one central contact point for consumer information, etc. It was felt that this bill should be re-referred as there were too many factors to consider in the short time frame allowed. In addition,

implementation, would require planning and meetings with the commissioner and staff of the licensure and registration staff of health and human services. Many small licensing boards need assistance in the performance of their duties, and some feel that the consolidation of specialized services could be equally helpful to many of the large boards, too. Even implementing a single unit that could issue health care licenses through a single data base would be a start. Vote 17-0.

**HB 108-FN-A**, relative to the rate of the legacies and successions tax as it applies to siblings of the decedent together with their spouses and lineal ascendants and descendants of siblings of the decedent together with their spouses. **RE-REFER TO COMMITTEE**

Rep. David J. Alukonis for Finance: The Finance Committee has received testimony on four legislative proposals regarding the legacies and successions tax, each of which addressed a slightly different issue, or perceived inequity. The committee has determined that the issue should be reviewed and has determined that this bill should be re-referred while the three other bills (HB 603, HB 757, HB 789) should be reported as Inexpedient to Legislate. Vote 19-0.

**HB 127-FN-L**, designating a portion of the meals and rooms tax for distribution to cities and towns based on the amount of land in current use. **INEXPEDIENT TO LEGISLATE**

Rep. Paul J. Dwyer, Sr. For Finance: The committee was not persuaded that current land use taxation imposed an unfair burden on any group of taxpayers. Moreover, the connection between current land use concerns and the rooms and meals tax as a remedy is problematic. Vote 18-0.

**HB 240-FN-A**, increasing certain state employee salaries and making an appropriation therefor, and reducing the number of state employees. **INEXPEDIENT TO LEGISLATE**

Rep. Robert G. Holbrook for Finance: When the state is involved with collective bargaining, it is not appropriate to legislate important components of a future contract. Vote 17-1.

**HB 491**, establishing a house committee to study the institution of a state property tax. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: Pursuant to House Resolution 62, passed by the House in 1996, the Finance Committee is currently charged with studying existing and alternative methods of taxation in this state. The aspects of this bill which have merit will be considered by the current study committee. Vote 19-0.

Rep. Lockwood wished to be recorded against.

**HB 513-FN**, limiting the operational expenses of the sweepstakes commission to 10 percent of the gross revenue. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. DeStefano for Finance: This bill would limit the operation expenses at the Sweepstakes Commission to 10%. By one definition, the Sweepstakes Commission's operating expenses in 1983 were 24.7% and have been lowered to 14.1% in 1996. By another definition, they are now 2% and compare favorably with the experience of other states of similar size. The committee felt that this bill did not solve the problem it purported to address. Vote 19-0.

**HB 574-FN-A-L**, imposing a flat tax to replace certain state and local taxes. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: Pursuant to House Resolution 62, passed by the House in 1996, the Finance Committee is currently charged with studying existing and alternative methods of taxation in this state. The aspects of this bill which have merit will be considered by the current study committee. Vote 19-0.

Rep. Lockwood wished to be recorded against.

**HB 603-FN-A**, exempting the first \$300,000 in value of the total estate of a decedent from the legacies and successions tax. **INEXPEDIENT TO LEGISLATE**

Rep. Avis B. Nichols for Finance: The Finance Committee has received testimony on four legislative proposals regarding the legacies and successions tax, each of which addressed a slightly different issue, or perceived inequity. The Committee has determined that the issue should be reviewed and has determined that House Bill 108 should be re-referred while this bill, along with two others (HB 757, HB 789), should be reported as Inexpedient to Legislate. Vote 19-0.

**HB 617-FN-A-L**, relative to payments for catastrophic aid for special education and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: This legislation addresses the issue of prepayment of state catastrophic aid to school districts. Although prepayments are devoutly to be wished by districts, the committee decided this bill was difficult to carry out. School districts compile costs for each child for school years ending in June. Then, the Department of Education reviews requests for reimbursement and makes payments plus interest costs on or before the following January 1<sup>st</sup>. It would be difficult to do it six months earlier, perhaps on the same day costs were submitted. Vote 19-0.

**HB 728-FN-A**, relative to designating a portion of the meals and rooms tax revenue for the promotion and development of tourism. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: This bill asks for a dedicated fund. Further restricting the general fund revenues makes for a difficult time in balancing the budget. As much as the committee would like to see tourism promoted, the state presently spends over 2 million dollars on this. There are many other areas also in competition. Vote 19-0.

**HB 738-FN-A-L**, relative to the distribution of revenue from the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: This bill requires the state to give to cities, towns and unincorporated towns 50% of the 123 million collected in 1997 from the meals and rooms tax. Thus, the state over the next biennium would have 123 million less in general revenue funds. Consensus of the committee was that this shortfall of state revenues would be catastrophic. Vote 19-0.

**HB 757-FN**, relative to the applicability of the legacies and successions tax. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: The committee has received testimony on four legislative proposals regarding the legacies and successions tax, each of which addressed a slightly different issue, or perceived inequity. The committee has determined that the issue should be reviewed and has determined that House Bill 108 should be re-referred while this bill, along with two others (HB 603, HB 789), should be reported as Inexpedient to Legislate. Vote 19-0.

**HB 761-FN-A**, establishing a credit against the business profits tax for businesses that provide qualified internship or apprenticeship programs. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: There are already efforts underway by the Departments of Labor, Education and Economic Security to collectively establish intern/apprenticeship programs. They established a total of 426 apprenticeships with 111 new sponsors last year. This credit would not only cut revenue, but require new auditors to approve qualified programs. Vote 18-1.

**HB 789-FN-A**, exempting siblings from the legacies and successions tax in certain situations. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: The committee has received testimony on four legislative proposals regarding the legacies and successions tax, each of which addressed a slightly different issue, or perceived inequity. The committee has determined that the issue should be reviewed and has determined that House Bill 108 should be re-referred while this bill, along with two others (HB 603, HB 757), should be reported as Inexpedient to Legislate. Vote 18-0.

**HB 255**, establishing a committee to study access to dental care for low-income, uninsured, and underinsured persons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara French for Health, Human Services and Elderly Affairs: This has been an issue of grave concern for the legislature for at least 10 years. Our committee strongly supports, timely, appropriate dental care. Vote 16-0.

#### **Amendment (0296h)**

Amend subparagraph I(b)(6) as inserted by section 3 of the bill by replacing it with the following:  
(6) Delta Dental Plan of New Hampshire, Inc.

**HB 266**, relative to the Alzheimer's Special Care Disclosure Act. **RE-REFER TO COMMITTEE**

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: The committee heard much testimony regarding the specialized care of Alzheimer patients. After considering all factors included in the many critical decisions concerning the care of these patients, it was felt that further time was needed to properly address the problem. Vote 15-0.

**HB 454**, relative to food service establishments. OUGHT TO PASS

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: This bill makes minor changes to RSA 143-A relative to food service establishments to permit places serving only coffee and accompanying light refreshments and non-hazardous food to be exempt from food service licensing. It also permits the department to issue a temporary food service license prior to the actual operation with a permanent license inspection to follow within 45 days. Vote 15-0.

**HB 739-FN**, relative to copies of vital records. INEXPEDIENT TO LEGISLATE

Rep. Robert K. Boyce for Health, Human Services and Elderly Affairs: This bill was opposed by city and town clerks. Genealogists have available to them all records prior to 1901 and marriage and death records prior to 1938 and to all records with permission of the family. Vote 13-0.

**HB 759-FN-A-L**, funding the developmental disabilities waitlist from the health care transition fund and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Thomas E. Donovan Jr. For Health, Human Services and Elderly Affairs: The bill attempted to address the wait list issue for developmental disabilities utilizing funding from the Health Care Transition Fund. Though the committee is very supportive to the wait list issue, it was felt by the prime sponsor of this bill and by the committee other pending legislation will better suit the needs of the individuals with developmental disabilities. Vote 14-0.

**HJR 1**, urging the preservation and continued development of community services to people with developmental disabilities and their families. OUGHT TO PASS

Rep. Dan Burnham for Health, Human Services and Elderly Affairs: This House Joint Resolution reaffirms the resolve of the legislature to continue providing service to the developmentally disabled through the establishment area agency system and providing funds for their services. It also resolves: That services and support for persons with developmental disabilities and their families should continue to be provided by and through the area agency system established by RSA 171-A. Vote 15-0.

Referred to Finance.

**CACR 16**, relating to the election of judges and judicial pensions. Providing that judges be elected for specified terms and that no judge shall receive a pension from public funds. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: The committee has several bills dealing with the same issues. HB 300 which we recommend for passage sets up a study committee dealing with pensions. HB 397 is recommended as well. It sets up a study committee to deal with Part Second, Articles 73a, and 72a of the constitution which is the other part of this bill. The committee believes through other studies we will cover all the issues in this bill Vote 14-0.

**HB 330**, relative to openness in the civil litigation process. INEXPEDIENT TO LEGISLATE

Rep. Carol H. Holden for Judiciary and Family Law: This bill would have established a presumption that all court records in civil cases would be open to the public. Testimony indicated that there were problems with the bill with regard to the juvenile statutes (RSA 169:C). The committee weighed the risks and the benefits and found the bill as inexpedient to legislate by a vote of 10-2. Vote 10-2.

**HB 375**, relative to the statement which must be signed by applicants for notary public or justice of the peace. OUGHT TO PASS

Rep. Alf E. Jacobson for Judiciary and Family Law: This bill sets down the principle that conviction and not arrest is the basic ground for denial in application for notary public or justice of the peace. Vote 12-0.

**HB 397**, establishing a house study committee to examine the adoption of articles 41, 72-a and 73-a of the second part of the New Hampshire constitution. OUGHT TO PASS WITH AMENDMENT

Rep. David A. Bickford for Judiciary and Family Law: This bill establishes a special committee to review parts of the N.H. Constitution; namely, articles 73-A, 72-a and 41 of Part II. These articles have been a subject of controversy and the committee will have an opportunity to research the issues in contention Vote 12-1.

**Amendment (0389h)**

Amend the bill by replacing section 1 with the following:

1 House Committee Established. There is established a committee to study the 1966 adoption of part II, article 41 of the constitution, relative to the powers of the governor; the 1966 adoption of part II, article 72-a of the constitution, relative to the judicial powers of the courts; and the 1977 adoption of part II, article 73-a, relative to the supreme court and its administration. The committee shall examine why the wording for these articles in the questions approved by the voters differed from the wording for these articles which is currently in the constitution.

Amend paragraph I of section 2 of the bill by replacing it with the following:

1. The members of the committee shall be 7 members of the judiciary and family law committee of the house of representatives, appointed by the speaker of the house.

**HB 433**, relative to discharge from New Hampshire hospital. **OUGHT TO PASS**

Rep. Cynthia A. McGovern for Judiciary and Family Law: This bill reflects current practice - hospital administrators and other medical professionals agree. There was no opposition. Passage does not affect any other procedure with regard to admittance or treatment at New Hampshire Hospital. Vote 12-0.

**HB 448**, relative to the trust fund for the prevention of child abuse and neglect. **OUGHT TO PASS**

Rep. Deborah L. Woods for Judiciary and Family Law: This bill makes amendments to a very successful program and allows it to continue its good work. It changes the name of the fund to better reflect those being served. It increases the amount allowed to be spent for administration costs and changes the make up of the committee Vote 12-0.

**HB 456-FN**, relative to child custody when a parent has intentionally killed the other parent. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin H. Smith for Judiciary and Family Law: The committee's opinion was that the system that is already in place is adequate and this bill essentially wanted us to legislate a court's decision. Vote 13-0.

**HB 460-FN**, relative to authorizing treatment for persons involuntarily admitted to New Hampshire hospital. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Judiciary and Family Law: The committee believes the bill may be unconstitutional. Beyond that, there seems to be no true need for this legislation. Currently, the Merrimack Probate Judge goes to the state hospital grounds to conduct involuntary admission cases. There is no reason that he could not do temporary guardianships on site as well. Families of patients were overwhelmingly against this legislation because nowhere in the proposed bill does it mention that an emergency must exist. Vote 12-0.

**HB 523**, relative to the appointment of guardians ad litem. **OUGHT TO PASS**

Rep. David C. Allison for Judiciary and Family Law: The committee supports the position, as provided in this bill, that children of non-married parents should be subject to the same standards, requirements and rules regarding guardian ad litem questions as are children of parents who are married. Vote 16-0.

**HB 533-FN**, making technical corrections in the liquor laws. **OUGHT TO PASS**

Rep. Betsy McKinney for Local and Regulated Revenues: After a public hearing and a work session with the chairman of the State Liquor Commission the committee unanimously voted ought to pass. However, the bill encompasses more than merely technical changes as follows: (1) grocery stores will now be able to sell "fortified" wines such as sherry and port; (2) the requirement that 80% of the Commission's advertising budget be spent out of State is removed and the Commission is empowered to buy advertising where and as it deems best. Other changes are the definition of performing arts licenses and establishing a sliding scale license fee for beverage manufacturers based on the number of barrels produced. The stimulation and streamlining of the liquor commission is enhanced by this bill. Vote 13-0.  
Referred to Finance.

**HB 590-FN-L**, allowing property taxpayers to choose whether to participate in the funding of nonprofit organizations through their property taxes. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Local and Regulated Revenues: The committee believes that this issue is more appropriately discussed at the local level and that there is adequate occasion for that discussion. Furthermore, the taxpayer "savings" are negligible and the administrative costs of this bill would, in all practicality, negate these savings, if not far exceed them. Vote 13-0.

**HB 474-L**, allowing local treasurers to invest in collateralized money markets with major investments. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: Testimony was received from a representative of the Government Finance Officers Association stating that government funds should be invested with emphasis on safety, liquidity and yield. This bill places the emphasis on yield only. The bank commissioner noted that there is no definition of "collateralized money markets with major investments" in current law. Vote 13-0.

**HB 529**, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. RE-REFER TO COMMITTEE

Rep. Betsy L. Patten for Municipal and County Government: Having easements for wireless communication facilities excluded from subdivision approval is timely but complex. Zoning regulations and site plan review may be impacted by recently enacted federal laws. The committee would like the opportunity to get technical assistance from the Science and Technology Committee. Vote 13-0.

**HB 542-FN-L**, requiring municipalities to include certain information with property tax bills. INEXPEDIENT TO LEGISLATE

Rep. Richard C. Leone for Municipal and County Government: The majority of the committee believes that since a local phone number is already on the tax bills, this requirement would be unnecessary. The committee also considers this to be in violation of part 1, article 28 A of the New Hampshire Constitution relative to unfunded mandate. Vote 13-1.

**HB 274 FN-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. RE-REFER TO COMMITTEE

Rep. John R. Cloutier for Public Works and Highways: This bill deals with removing the toll from the Cheshire Bridge. Based on previous history prior commitments and the loss of revenue which would have various state-wide effects, the committee originally voted the bill inexpedient to legislate by a 15-6 margin. The committee had a wish to help in the toll situation, and even kept the bill in its possession for some time hoping the sponsors and others could agree to something which would work for all parties. A motion in committee to reconsider our previous motion passed, and a new motion for re-refer was made and approved by the committee. Re-referring the bill allows the sponsors and supporters to investigate other avenues to accomplish their goal of removing the toll. One major avenue which will be explored will be federal funding through our Congressional delegation, and by keeping the issue alive the committee will be in a position to recommend any necessary legislation to help deviate the toll situation. Vote 20-0.

**HB 305-A**, relative to the rehabilitation of the Walker building and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Leon Calawa, Jr. for Public Works and Highways: This bill needs more study so as to fit the request of the Department of Revenue Administration to move into 40,000 square feet of the Walker Building. This study will try to answer the questions of cost, parking and the future use of the building which Revenue Administration is leaving. Also, the committee will try to answer many of the questions asked of the future use of all vacant state buildings on the Hospital Grounds. Vote 17-0.

**HB 400**, authorizing the state to enter into a lease-purchase agreement with Cheshire county for the new Jaffrey-Peterborough district courthouse. RE-REFER TO COMMITTEE

Rep. Merle W. Schotanus for Public Works and Highways: This bill, relative to a lease-purchase for a new Jaffrey-Peterborough District Courthouse was re-referred to committee because it will be reviewed and considered in the context of the Fiscal Year 1998-1999 Capital Budget. Re-referral allows the committee to review the whole situation of the Jaffrey-Peterborough District Court should timing of the Capital Budget preclude a decision during this session. Vote 17-0.

**HB 413**, expanding the authority of the commissioner of the department of transportation to use a certain appropriation to purchase airports. OUGHT TO PASS WITH AMENDMENT

Rep. William E. Leber for Public Works and Highways: This bill allows the Commissioner of Transportation to use an appropriation made in 1990 for the purchase of rail properties to purchase privately owned airports that are important to the state airport system if and when they are offered for sale. The laws of 1989 provided for the state to have the right of first refusal for the sale of any airport but did not provide funding or bonding authority. This bill corrects that and is supported by the Department of Transportation. The amendment provides a time limit for the sale or transfer of any airport acquired under this provision to local municipality, county or airport authority. The committee strongly supports protection of the airport system. Vote 17-0.

### Amendment (0358h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Sale or Transfer of Airports Purchased by State. Amend RSA 422:46 to read as follows:

*I. All airports within the state offered for sale by any person after July 2, 1989, shall be offered for sale to the state of New Hampshire in the first instance. The state of New Hampshire, acting through the director of aeronautics with the approval of governor and council, shall have a right to match any verifiable bona fide offer made for such airports within the limits of funds available to the director for this purpose.*

*II. Airports purchased under this section shall be held and maintained as airports in the statewide airport system and shall be offered for sale or transfer to a local municipality, county, or airport authority. If the state is unable to sell or transfer an airport to a local municipality, county, or airport authority within 10 years, the airport shall be offered for sale to private enterprise.*

### AMENDED ANALYSIS

This bill allows the commissioner of the department of transportation to use an appropriation made in 1990 for the purchase of rail properties to purchase privately-owned airports offered for sale.

This bill also sets certain requirements relating to the subsequent sale or transfer of airports after purchase by the state.  
Referred to Finance.

**HB 486**, relative to a study of Route 3A. OUGHT TO PASS WITH AMENDMENT

Rep. Lou D'Allesandro for Public Works and Highways: This bill requires that the commissioner of transportation and the commissioner of safety, or their designees, shall conduct a study of the state-owned portion of Route 3A from Manchester to Concord which shall include, but not be limited to, possible road improvements and the number of traffic stops of commercial vehicles. The commissioners, or their designees, shall issue a report, together with findings and recommendations for legislation to the speaker of the house and president of the senate on or before November 1, 1997. Vote 19-2.

### Amendment (0369h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to a study of a certain portion of Route 3A.

Amend the bill by replacing section 1 with the following:

1 Study and Report Required. The commissioner of transportation and the commissioner of safety, or their designees, shall conduct a study of the state-owned portion of Route 3A from Manchester to Concord which shall include, but not be limited to, possible road improvements and the number of traffic stops of commercial vehicles. The commissioners, or their designees, shall issue a report, together with findings and recommendations for legislation to the speaker of the house and president of the senate on or before November 1, 1997.

### AMENDED ANALYSIS

This bill requires the commissioners of transportation and safety, or their designees, to conduct a study of a certain portion of Route 3A.

**HB 524-FN-A**, extending the reporting dates and the prospective repeal date for the state veterans cemetery oversight committee, establishing the New Hampshire state veterans cemetery, relative to the administration of the cemetery, and making appropriations therefor. INEXPEDIENT TO LEGISLATE

Rep. Leon Calawa, Jr. for Public Works and Highways: SB 182-FN better addresses the administration, operation and maintenance of the New Hampshire state veterans cemetery, making HB 524-FN-A no longer necessary. Vote 19-0.

**HB 791-FN-A**, making an appropriation to the department of administrative services for funding, siting, and design of the new Jaffrey-Peterborough district courthouse. INEXPEDIENT TO LEGISLATE

Rep. Merle W. Schotanus for Public Works and Highways: This bill was recommended for a friendly inexpedient to legislate as HB 400 dealing with the same subject was re-referred to committee, and the subject of the Jaffrey-Peterborough District Court will be considered and discussed in context with this year's Capital Budget. Vote 17-0.

**HB 293**, regulating the marking and identification of swim floats. INEXPEDIENT TO LEGISLATE  
Rep. Michael D. Whalley for Resources, Recreation and Development: The committee feels that the regulation of swim floats is unnecessary at this time. The Department of Safety testified that very few swim floats break loose from their anchor and cause a problem. The Department of Safety presently has the authority to order the owners of swim floats that create a hazard to navigation to remove them. Vote 15-0.

**HB 336**, clarifying certain definitions relating to dams. OUGHT TO PASS WITH AMENDMENT  
Rep. Robert J. Laflam for Resources, Recreation and Development: This bill changes the definition of "dam" to include artificial barriers which create surface impoundment's for liquid industrial and commercial wastes. A "dam in disrepair" is defined as a dam which is a menace to public safety and incapable of safely impounding flood waters to its crest. Vote 16-0.

#### Amendment (0370h)

Amend RSA 482:2, II as inserted by section 1 of the bill by replacing it with the following:

II. "Dam" means any artificial barrier, including appurtenant works, which impounds or diverts water, and which has a height of 4 feet or more, or a storage capacity of 2 acre-feet or more, or is located at the outlet of a great pond. A roadway culvert shall not be considered a dam if its invert is at the natural bed of the water course, it has adequate discharge capacity, and it does not impound water under normal circumstances. Artificial barriers which create surface impoundments for *liquid* industrial or *liquid* commercial wastes or municipal sewage, regardless of height or storage capacity, shall be considered dams.

#### AMENDED ANALYSIS

This bill:

I. Changes the definition of "dam" to include artificial barriers which create surface impoundments for liquid industrial and commercial wastes.

II. Changes the definition of "dam in disrepair" to mean a dam which is a menace to public safety and incapable of safely impounding flood waters to its crest. Currently, a dam in disrepair means a dam which is a menace to public safety or incapable of safely impounding flood waters.

**HB 618-FN**, relative to increasing certain state park fees. RE-REFER TO COMMITTEE

Rep. Deborah F. Merritt for Resources, Recreation and Development: The Commissioner of the Department of Resources and Economic Development will be developing a state plan for reviewing fees. The committee wishes to re-refer this bill in order to review the plan, and if necessary develop legislation to take appropriate action. Vote 16-0.

**HB 643-FN**, establishing an industry average performance system for air pollution control and establishing certain pollution control funds. RE-REFER TO COMMITTEE

Rep. Jeb E. Bradley for Science, Technology and Energy: This legislation is an extremely creative attempt to bring market forces to bear in reducing air pollution. Simply put, clean industries and technologies would receive fund transfers from dirty industries. Polluters could pay, or reduce emissions and be rewarded. This concept would fundamentally alter air pollution control in New Hampshire and as such requires diligent study both by regulators and affected industries. The impact of a single state going forward with such a concept also needs a great deal of study. The committee will work with all affected stakeholders if this bill is re-referred for study. Vote 18-0.

**HB 119-FN**, increasing the fee to hunt migratory waterfowl. **INEXPEDIENT TO LEGISLATE**  
Rep. Rudy Lessard for Wildlife and Marine Resources: This bill requests an increase in the migratory waterfowl stamp. The committee felt that an increase is not warranted at the present time. The issue of dedicated funds will be examined in HB 177-FN which has been referred to committee for study. Vote 11-1.

**HB 176-FN**, increasing the license fee to hunt wild turkey. **INEXPEDIENT TO LEGISLATE**  
Rep. Shannon L. Bernier for Wildlife and Marine Resources: This bill was sponsored on behalf of the Fish and Game Department. The Fish and Game Department withdrew its support of the bill prior to the hearing. Therefore, support for the bill was minimal resulting in the vote of inexpedient to legislate. Vote 12-0.

**HB 177-FN**, increasing the wild black bear license and tag fee. **RE-REFER TO COMMITTEE**  
Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill was sponsored on behalf of the Fish and Game Department. They withdrew their support of this bill prior to the hearing without notifying the sponsor. The committee wishes to study this bill so that the issue of dedicated funds and other issues related to bear management can be examined. The large amount of moneys in the various (26) dedicated funds dictate an examination of the growth of these special funds. Vote 12-0.

**HB 493**, relative to prohibiting the sale of opportunities for the taking of fish and game by certain property owners. **INEXPEDIENT TO LEGISLATE**  
Rep. Michael S. Rollo for Wildlife and Marine Resources: The committee felt that this bill, if passed, could have serious repercussions relative the rights of property ownership. Consequently, issues of constitutional rights became an issue against passage. Since the bill also was prohibiting opportunities for taking fish and game, the question of licensed guides doing what they are hired to do became a stumbling block. The committee was not willing to put a summers worth of study into a subject which has been studied in past sessions. Vote 13-0.

**HB 585**, relative to prohibiting littering, as enforced by the fish and game department. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Michael S. Rollo for Wildlife and Marine Resources: This bill allows conservation officers to enforce the litter law under Fish and Game statutes in Title XVIII. Up to this point, littering violations have been prosecuted under RSA 265:102 but that statute did not include a violation on private property, state lands, and federal lands under the control of the Department of Resources and Economic Development or the Fish and Game Department. Vote 13-0.

#### **Amendment (0395h)**

Amend the bill by replacing section 1 with the following:

I New Section; Littering; Penalty. Amend RSA 207 by inserting after section 36-a the following new section:

207:36-b Littering; Penalty.

I. No person shall put, place or leave, or cause to be put, placed or left, in or upon any way, public property, private property, into or on the ice over any public water, or into or on any waters of the state, any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, old automobile or parts thereof, or refuse of any nature whatsoever, or any noxious thing.

II. Paragraph I shall not apply to any person who is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of said owner or tenant, all in a manner consistent with the public welfare.

III. Any person violating any provision of this section shall be guilty of a violation.

#### **AMENDED ANALYSIS**

This bill establishes a littering violation in the fish and game laws.

**HB 683-FN**, relative to one-day fishing licenses for residents and nonresidents. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald J. Nowe for Wildlife and Marine Resources: This is a repeat bill from last session which was found to be ITL. Fish and Game presented statistics indicating a loss of revenues in

other fishing license categories, resulting in a net loss. There are, in fact, some advantages to a one-day fishing license and the department has promised to study the issue within their Comprehensive Funding Team. Vote 12-0.

**HB 706**, establishing a commission on animal damage control to review the fish and game laws relating to damage by game birds and game. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: This bill establishes a commission consisting of 2 senators, 4 representatives, the Commissioner of Agriculture, Markets, and Food and the Executive Director of Fish and Game or their designees, and the representative for New Hampshire from the U.S. Department of Agriculture to study the statutes and problems of damage to agricultural crops by wildlife. The amendment adds 1 representative of the N.H. Plant Growers Association, 2 members of the N.H. Wildlife Federation and 1 member of the Fish and Game Commission. The amendment also terminates the Commission after it files its report on or before November 1, 1997. Vote 13-0.

#### Amendment (0412h)

Amend paragraph II of section 2 of the bill by inserting after subparagraph (d) the following new subparagraphs:

(e) A representative of the New Hampshire Plant Growers Association.

(f) Two members of the New Hampshire Wildlife Federation, appointed by the federation director.

(g) A member of the fish and game commission, appointed by the chairman of the commission.

Amend the bill by replacing all after section 5 with the following:

6 Termination of Commission. The commission established by this act shall terminate according to the provisions of RSA 14:49.

7 Effective Date. This act shall take effect upon its passage.

**HB 763-FN**, prohibiting nonresidents from hunting on Sunday if the state of residence of the nonresident prohibits hunting on Sunday for New Hampshire residents. **INEXPEDIENT TO LEGISLATE**

Rep. Rose Marie Rogers for Wildlife and Marine Resources: The committee felt that this bill would be extremely difficult to administer. In addition, it would create a significant loss of revenue and it would break with New Hampshire tradition. Vote 12-0.

#### REGULAR CALENDAR

**HB 247**, requiring automobile insurance companies to offer uninsured motorist coverage as an insurance option, not a requirement. **INEXPEDIENT TO LEGISLATE**

Rep. Richard H. Krueger for Commerce: This bill would burden the insurer to counsel the insured regarding a personal and private decision, that is: dollar amount of coverage for uninsured motorist. Vote 9-4.

Adopted.

**HB 258-FN**, requiring financial institutions to display certain information on fees, charges, and available products in their lobbies. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce: This bill requires that the bank commissioner provide a matrix for all banks to place in their lobbies informing the public of their fees, charges and products related to deposit accounts. The purpose is to help consumers compare products, fees and charges so as to make a reasoned choice of a bank. Vote 14-0.

#### Amendment (0281h)

Amend RSA 383:13-a as inserted by section 1 of the bill by replacing it with the following:

383:13-a Requirement to Display Information. All financial institutions regulated by the bank commissioner shall provide information on its fees, charges, and products related to deposit accounts to the bank commissioner on a semi-annual basis. The bank commissioner shall compile and provide the information on a uniform matrix to all state-regulated financial institutions for distribution to the general public. The uniform matrix shall be developed by the bank commissioner and shall be conspicuously placed in the lobby of each main office and branch of the institution located in this state, in order

to enable the consumer to make intelligent choices among the institution's various deposit accounts and deposit account related services. The bank commissioner shall adopt rules, pursuant to RSA 541-A, relative to the uniform matrix required under this section.

### AMENDED ANALYSIS

This bill requires financial institutions regulated by the bank commissioner to provide certain information on fees, charges and products related to deposit accounts to the bank commissioner. The bank commissioner will compile this information on a uniform matrix and provide it to all state-regulated financial institutions for display in their lobbies. The bank commissioner is granted rulemaking authority to develop such uniform matrix.

Adopted.

Report adopted and ordered to third reading.

**HB 261**, recodifying the insurance laws pertaining to hospital service corporations, medical service corporations, and nonprofit health service corporations (Blue Cross/Blue Shield). **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: This bill recodifies the health insurance laws to consolidate and simplify the RSAs. The Insurance Department is in full support of this bill. Two sections of current law are being repealed. The only change in the amendment from current law is a change in the reserve requirement for Blue Cross Blue Shield from 16% to 20%. This change is supported by the Insurance Department. Vote 14-0.

### Amendment (0330h)

Amend the bill by replacing all after the enacting clause with the following:

1 Health Service Corporations. RSA 420-A is repealed and reenacted to read as follows:

### CHAPTER 420-A

### HEALTH SERVICE CORPORATIONS

420-A:1 Definitions. In this chapter:

I. "Commissioner" means the insurance commissioner.

II. "Covered dependent" means the spouse, an adult dependent, or a child or an adopted child of the subscriber who is named in the subscription certificate issued to the subscriber and with respect to whom appropriate premium is specified in the certificate.

III. "Health service corporation" means a nonprofit sharing corporation without capital stock organized under the laws of the state for the purpose of establishing, maintaining and operating a health service plan or plans whereby the expense of health-related care may be partially or wholly provided to its subscribers by the payment of benefits for facilities, professional services, appliances, medicines or supplies furnished directly or indirectly by the health service corporation to its subscribers.

IV. "Provider" means any physician, hospital, or other institution, organization, or other person who furnishes health care services.

V. "Subscriber" means a person to whom a subscription certificate is issued by the health service corporation and which sets forth the kinds and extent of health services for which the health service corporation is liable to make payment and which constitutes the contract between the subscriber and the health service corporation.

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:18, V, RSA 415:18, VII(g), RSA 415:18, VII-a, RSA 415:18-a, RSA 415:22, RSA 417, RSA 417-E, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

420-A:3 Incorporation. Persons desiring to form a health service corporation may incorporate under RSA 292, but subject to the following provisions:

I. The certificate of incorporation of each health service corporation shall have endorsed upon it or attached to it the approval of the commissioner, if the commissioner finds the same to be in accordance with this chapter.

II. The certificate shall include a statement of the territory in which the health service corporation will operate and a statement of the purposes of such corporation.

420-A:4 License to Health Service Corporation.

I. No health service corporation organized under the laws of this state shall do business unless it has obtained a license from the commissioner.

II. No health service corporation organized under the laws of any other state or country shall be licensed to do business in this state except as provided in RSA 420-A:29.

III. Application for such license shall be made in the form required by the commissioner and shall contain the information the commissioner deems necessary. The application shall be accompanied by a copy of each of the following documents:

(a) Articles of incorporation.

(b) Bylaws.

(c) Proposed contracts to be issued to subscribers showing a table of rates to be charged and the benefits to which they will be entitled.

(d) Proposed contracts, if any, between the health service corporation and providers.

(e) Financial statements.

IV. The commissioner shall issue a license when the commissioner finds:

(a) The applicant is established as a bona fide nonprofit health service corporation;

(b) The applicant has paid an annual license fee in accordance with RSA 400-A:29;

(c) The contracts between the applicant and providers, if any, obligate the respective providers to provide the service or thing to which the subscriber may be entitled under the terms of the contract to be issued to subscribers;

(d) The rates to be charged and the benefits to be provided are reasonable and nondiscriminatory;

(e) The financial condition of the applicant is sound and provides assurance of its ability to meet its obligations; and

(f) The applicant is reliable, entitled to public confidence and has complied with the laws of the state applicable to it.

V. Any such license may be revoked for cause shown and after notice and hearing upon failure to maintain the requirements of this chapter.

VI. All such licenses shall expire on April 1, but may be renewed upon payment of the annual license fee.

420-A:5 Directors. The directors of a health service corporation:

I. Shall at all times include representation from the following groups:

(a) The general public exclusive of those falling within subparagraphs (b) and (c) and paragraph II.

(b) Physicians actively engaged in practice.

(c) Administrators or trustees of hospitals, if any, which have contracted with the health service corporation to render nonprofit hospital service or indemnity to subscribers.

II. May include representatives of other health care providers. The number of directors described in paragraph I(a) shall exceed the combined total of the number of directors described in paragraph I(b) and (c) and this paragraph.

420-A:6 Liability of Directors, Officers, and Trustees.

I. A health service corporation may indemnify any person who serves as director, officer, or trustee of such corporation by contract or by including an indemnity provision in its articles of agreement or bylaws substantially in accordance with RSA 293-A:8.50 through 293-A:8.58. Indemnity may be offered for any and all damages occurring on or after January 1, 1991.

II. A health service corporation may amend its articles of agreement to contain a provision eliminating or limiting the personal liability of a director, officer, or trustee to such corporation and its members and subscribers for monetary damages for breach of fiduciary duty as a director, an officer, or both, except with respect to:

(a) Any breach of the director's, officer's or trustee's duty of loyalty to the corporation and its members and subscribers.

(b) Acts or omissions which are not in good faith or which involve intentional misconduct or a knowing violation of law.

(c) Actions for which a director, officer, or trustee derived an improper personal benefit.

III. Paragraph II shall not be construed to eliminate or limit the liability of a director, an officer, a trustee or any combination thereof, for any act or omission occurring prior to July 13, 1991.

420-A:7 License to Agents.

I. No person, for himself or in behalf of any person, shall sell or offer to sell any such health service as is provided for in this chapter without being licensed therefor by the commissioner.

II. Upon written notice by a health service corporation licensed to do business in this state of its appointment of a person to act as its agent under this chapter, the commissioner shall, if the commissioner is first satisfied that the appointee is a suitable person and intends to hold himself out in good faith as an agent, upon payment of the proper fee by the applicant, issue to the appointee a license to act as such agent.

III. A license previously issued may be renewed upon the application of the health service corporation upon payment of the proper fee.

IV. The commissioner may at any time after granting such license, for cause shown and after notice and hearing, determine such licensee to be unsuitable to act as such agent, and shall thereupon revoke such license and notify both the health service corporation and the agent of such revocation.

V. Unless revoked by the commissioner, or unless the health service corporation by written notice to the commissioner cancels the agent's authority to act for it, such license issued to an agent, or any renewal of such license, shall expire on June 14 of the second year after its issue.

VI. If a person acts or aids in any manner in the negotiation of health insurance contracts, or solicits or receives any risk or application for such service, without a license from the insurance commissioner, or if the license granted to such person or to the health service corporation for which the person acts as agent has been revoked, such person shall be guilty of a violation; but any contract issued on an application thus procured shall bind the health service corporation if otherwise valid. This paragraph shall not apply to any office employee of the health service corporation, or to any persons rendering their services without compensation.

420-A:8 Filing and Approval of Contracts and Rates.

I. No health service corporation shall enter into any contract with subscribers until it shall have filed with the commissioner a copy of the form of such contract, including all riders and endorsements to the contract and until the commissioner's approval thereof shall have been obtained. Any form of contract not disapproved by the commissioner within 90 days after the filing shall be deemed to have been approved as filed.

II. No health service corporation shall enter into any contract with subscribers until it shall have filed with the commissioner a full schedule of rates to be paid by the subscribers and shall have obtained the said commissioner's approval. The commissioner may refuse such approval if the commissioner finds such rates are excessive, inadequate or discriminatory. For the purpose of determining the proper rates to be charged for such services, the commissioner may employ a competent actuary who shall be paid by the health services corporation for which the services are rendered.

420-A:9 Contracts with Subscribers. Every contract between a health service corporation and a subscriber shall be in writing, a copy of which shall be furnished to the subscriber and shall contain the following provisions:

I. A statement of the amount payable to the health service corporation by the subscriber and the manner in which such amount is payable.

II. A statement of the nature and extent of the benefits to be provided, and, if any benefits are to be limited or excepted, an enumeration of such limitations or exceptions shall be printed with the same prominence as the statement of the benefits conferred.

III. A statement that a maternity benefits rider will be made available at the subscriber's request, if maternity care is not covered under the contract. Nothing in this paragraph shall be construed to apply to supplemental health insurance and disability insurance policies.

IV. A statement of the terms and conditions upon which the contract may be canceled or otherwise terminated at the option of either party.

V. A statement that the contract includes the endorsements thereon and attached papers, if any, and that it comprises the entire contract.

VI. A provision that no statement by the subscriber in the application for a contract shall void the contract or be used in any legal proceeding thereunder unless such application or an exact copy of it is included or attached to the contract.

VII. A statement of the period of grace which will be allowed the subscriber for making any payment due under the contract. Such period shall be not less than 10 days.

VIII. Notwithstanding any provision of any policy of insurance issued under the provisions of this section, whenever such policy provides for reimbursement for any service which may be legally performed by a person licensed as an advanced registered nurse practitioner, reimbursement under such policy shall not be denied when such service is rendered by a person so licensed.

IX. No health service corporation shall, when issuing or renewing a policy or contract of insurance or any certificate under such policy or contract covered by this chapter, deny coverage or limit coverage to any resident of this state on the basis of health risk or condition except that a waiting period consistent with insurance department rules may be imposed for pre-existing medical conditions. If a health service corporation accepts an application for group coverage, such acceptance shall be subject to the following:

(a) If the group has coverage in effect through another plan, the health service corporation shall accept all persons covered under the existing plan. If the group does not have coverage in effect through another plan, the health service corporation shall accept all persons for which the group seeks coverage.

(b) Once a group policy has been issued, any person becoming eligible for coverage shall become covered by enrolling within 31 days after becoming eligible. Any person so enrolling shall not be required to submit evidence of insurability based on medical conditions. If a person does not enroll at this time, such person is a late enrollee.

(c) Once a group policy has been issued, the health service corporation shall provide the group with an annual open enrollment period for late enrollees. During the open enrollment period, any late enrollee shall be permitted to enroll without submitting any evidence of insurability based on medical conditions. For late enrollees only, the pre-existing condition provisions shall apply for 18 months from the date of enrollment.

X. An insurer issuing policies of group insurance shall allocate the costs associated with maternity and childbirth over both males and females covered by its entire block of business in this state. In cases in which, because of the amount written in the state, allocation to an entire block of business needs to occur, the carrier may apply for a waiver from the commissioner.

XI. A statement allowing subscribers with medicare supplement insurance benefits a period of at least one year after the incurral of a covered expense within which the subscriber shall furnish any proof of loss required by the insurer. Failure to furnish such proof within such time shall not invalidate or reduce any claim if it shall be shown not to have been reasonably possible to furnish such proof and such proof was furnished as soon as was reasonably possible.

XII. A provision that such contract shall be signed by the president and secretary before it shall become effective.

XIII. A statement that all benefits payable shall be paid to the participating providers except those in reimbursement of payments made by the subscriber to a non-participating provider and for which the corporation was liable at the time of payment.

420-A:10 Part-Time Employees. A health service corporation shall not exclude part-time employees and shall offer the same insurance benefits to part-time employees as it offers to the employee groups of which the part-time employees would be members if they were full-time employees. The insurer shall offer to include the part-time employees as part of the employer's employee group, at the full rate to be paid by the employer, at a rate prorated between the employer and the employee, or at the employee's expense. A part-time employee shall be any employee who regularly works at least half of the weekly hours of the full-time employee in the employee group of which the part-time employee would be a member if such employee were a full-time employee, but who works a minimum of at least 15 hours per week.

420-A:11 Cancellation or Nonrenewal of Group Insurance Contracts. No group accident or health insurance contract, authorized under this chapter, may be cancelled or nonrenewed by the health service corporation, except for nonpayment of premium, unless the group contract holder receives either a notice of cancellation or nonrenewal or an offer of renewal in accordance with this section. The notice of cancellation or nonrenewal or offer of renewal shall be delivered to the group contract holder or mailed to the group contract holder's last address as shown in the records of the health service corporation at least 45 days prior to the renewal date of the contract. Notice of cancellation for lack of participation, if permitted by the terms

of the contract, shall be delivered to the group contract holder or mailed to the group contract holder's last address as shown in the records of the health service corporation, at least 30 days prior to the effective date of the cancellation.

420-A:12 Cancellation or Nonrenewal of Non-Group Insurance Contracts. No non-group accident or health insurance contract, authorized under this chapter, may be cancelled or nonrenewed by the health service corporation except for nonpayment of premium, unless the insured receives either a notice of cancellation or nonrenewal or an offer of renewal in accordance with this section. The notice of cancellation or nonrenewal or offer of renewal shall be delivered to the insured or mailed to the insured's last address as shown in the records of the health service corporation at least 30 days prior to the renewal date of the contract.

420-A:13 Coverage for Autologous Bone Marrow Transplant. Every health service corporation, and every other similar corporation licensed under the laws of another state, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of breast cancer by autologous bone marrow transplants according to protocols reviewed and approved by the National Cancer Institute.

420-A:14 Coverage for Scalp Hair Prostheses.

I. Every health service corporation and every other similar corporation licensed under the laws of another state, which provides coverage for other prostheses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses for scalp hair prostheses worn for hair loss suffered as a result of alopecia areata, alopecia totalis, or permanent loss of scalp hair due to injury. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses.

II. For the purposes of this section:

(a) "Prostheses" means artificial appliances used to replace lost natural structures. Prostheses include, but are not limited to, artificial arms, legs, breasts or glass eyes.

(b) "Scalp hair prostheses" means artificial substitutes for scalp hair that are made specifically for a specific individual.

420-A:15 Coverage During Adoption Proceedings. All contracts issued by a health service corporation which provide coverage for a family member of the subscriber shall, as to such family member's coverage, also provide that health insurance benefits applicable for children are payable with respect to any minor from the date such minor is placed in the custody of the subscriber pursuant to an adoption proceeding under the provisions of RSA 170-B. Such health insurance benefits shall terminate upon dismissal or withdrawal of the petition for adoption.

420-A:16 Notification of Allowable Benefit. All health service corporations and every other similar corporation licensed under the laws of another state shall provide to each subscriber, on request, a written statement of the dollar amount of allowable benefit for any procedure which is requested by the appropriate procedure code.

420-A:17 Coverage for Nonprescription Enteral Formulas.

I. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of individual or group blanket accident or health insurance providing benefits for medical or hospital expenses shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the provision of nonprescription enteral formulas for the treatment of impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, or motility of the gastrointestinal tract. Such coverage shall be provided when the prescribing physician has issued a written order stating that the enteral formula is needed to sustain life, is medically necessary, and is the least restrictive and most cost effective means for meeting the needs of the patient.

II. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of individual or group blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the provision of nonprescription enteral formulas and

food products required for persons with inherited diseases of amino acids and organic acids. Such coverage shall be provided when the prescribing physician has issued a written order stating that the enteral formula or food product is medically necessary and is the least restrictive and most cost effective means for meeting the needs of the patient. Coverage for inherited diseases of amino acids and organic acids shall, in addition to the enteral formula, include food products modified to be low protein in an amount not to exceed \$1,800 annually for any insured individual.

III. The benefits included in this section shall not be subject to any greater deductible than any other benefits provided by the insurer. The coinsurance required by the enrolled participant shall not exceed the amount allowed under the contract for the reasonable and customary charge for the service provided.

420-A:18 Investments. No health service corporation shall invest its funds otherwise than as provided in RSA 411-A relating to the investments and holding of real estate by domestic life insurance companies; provided that not exceeding 10 percent of a health service corporation's total admitted assets may be invested in such investments as are prudent for a domestic life insurance company to make, and provided further that, notwithstanding RSA 411-A:12, no such health service corporation may acquire and hold directly or indirectly through its subsidiaries or affiliates more than 10 percent of the outstanding voting stock of any life insurance company formed under the laws of this or another state or any corporation owning or holding the stock of such life insurance company.

420-A:19 Prohibiting Limitations on Liability; Disclosure of Information.

I. No contract between a health service corporation and a physician, for the purpose of delineating the rights and obligations of the parties within the provider network, shall limit the liability of the health service corporation for any actions of the physician for which the health service corporation might otherwise be liable.

II. No contract between a health service corporation and a health care provider shall limit what information such health care provider may disclose to patients or to prospective patients regarding the provisions, terms, or requirements of the health service corporation's products as they relate to the needs of such provider's patients except for trade secrets of significant competitive value.

420-A:20 Reports and Examinations. Every health service corporation shall annually, on or before March 1, file in the office of the commissioner a statement, verified by at least 2 of its principal officers, showing its condition on the preceding December 31, which shall be in such form and contain such matters as the commissioner may prescribe. Examination of the financial condition of each health service corporation by the commissioner shall be made as often as the commissioner deems necessary. The commissioner or designee shall have the power of visitation and examination into the affairs of any health service corporation and free access to all of the books, papers and documents that relate to the business of the corporation, and may summon and qualify witnesses under oath and examine its officers, agents or employees or other persons in relation to the affairs, transactions and condition of the corporation. All costs of such examination shall be paid by the health service corporation.

420-A:21 Reserves. Every health service corporation shall collect reasonable rates as described in RSA 420-A:22, designed to permit it to accumulate and maintain a contingency reserve fund.

420-A:22 Annual Review. Annually, in the month of April, the commissioner may review the rates of every health service corporation, and shall, not later than 60 days after April 1 of each year, provided that the corporation has filed all pertinent data, make adjustments thereto, if any, as are just and reasonable. Whenever the contingency reserve fund of a health service corporation shall be less than 8 percent of its annual premium income, the commissioner shall permit the corporation to charge rates designed to enable it to increase its contingency reserve fund by an amount equal to at least 2 percent of the annual premium income of the corporation. If the liabilities of a health service corporation exceed its assets, however, the commissioner shall permit the corporation to charge rates designed to enable the corporation to accumulate such a reserve fund by an amount equal to at least 5 percent of the annual premium income of the corporation until such time as the assets of the corporation equal its liabilities. In no event shall the commissioner permit a health service corporation to charge rates which would result in a reserve fund in excess of 20 percent of the annual premium volume of the corporation. This section shall not preclude the granting of appropriate rate changes at any other times. In connection with a rate decision, the commissioner may also make reasonable supplemental orders to the health service corporation and

may attach reasonable conditions and limitations to such orders as the commissioner finds, on the basis of competent and substantial evidence, necessary to insure that benefits and services are provided at minimum cost under efficient and economical management of the corporation.

**420-A:23 Appeals.** All orders and decisions of the commissioner concerning matters within the commissioner's jurisdiction under this chapter shall be subject to rehearing and appeal as provided in RSA 541. RSA 541:18 and 19 shall apply to orders and decisions of the insurance commissioner affecting the rates of health service corporations.

**420-A:24 Agreements with Providers.** Any health service corporation may enter into agreements with eligible persons whereby such persons become providers of a plan operated by the corporation. Any health service corporation may enter into contracts for the payment of health services to the subscribers or members of similar non-profit health service corporations of other states subject to the supervision of such other states, or of counties of this state in which the corporation does not transact business. The corporation shall maintain in its office complete records of all health services rendered to subscribers and covered dependents in such form as will include the kind of services rendered, the amounts claimed for such services by the providers and the amount paid by the corporation.

**420-A:25 Administrative Services.** Any health service corporation may contract to furnish administrative services to any health-related organization, agency, entity or plan.

**420-A:26 Nonliability of Corporation.** No health service corporation holding a license under this chapter shall be liable for injuries resulting from negligence, malfeasance, nonfeasance or malpractice on the part of any officer or employee or on the part of any provider in the course of rendering health care service or supplies to subscribers.

**420-A:27 Taxation.** Except as otherwise expressly provided for by law, every health service corporation doing business pursuant to this chapter is hereby declared to be a nonprofit and benevolent organization and to be exempt from all taxes, other than taxes on real property situated within this state, fees on motor vehicles registered in this state, fees prescribed by this chapter, and the premium tax under RSA 400-A:32. Except for payments made by the state of New Hampshire no tax shall be levied on any premiums, fees-for-service and other payments for health, dental, and employee benefit coverages from political subdivisions of the state of New Hampshire, or from employees or retirees of such political subdivisions, either directly or indirectly. Nor shall any tax be levied on any revenues of such a health service corporation that are derived from any business of the corporation where the corporation has assumed no insurance risk and is providing administrative services, only.

**420-A:28 Relationship of Provider and Patient.** Nothing in this chapter shall be deemed to alter the relationship of physician and patient. No health service corporation shall in any way influence the subscriber in the free choice of hospital or physician or other provider. Nothing in this chapter shall be deemed to abridge the right of any hospital, physician or other provider to decline patients in accordance with lawful standards and practices of such provider.

**420-A:29 Foreign Corporations, Reciprocity.** Any corporation organized under the laws of another state or country which except as to state of organization is a health service corporation and which the commissioner finds has fully complied with the laws of such other state or country, shall be entitled to do business within this state subject to this chapter after obtaining a license as provided in RSA 420-A:4; provided, however, that no such corporation organized under the laws of another state or country shall be entitled to such license, or to do business in this state, unless such other state or country grants substantially similar rights and privileges to health service corporations organized under the laws of this state. The commissioner shall determine whether rights and privileges granted by other states or countries are substantially similar to those granted by this state, and the commissioner's determination shall be final.

**420-A:30 Exceptions.** Fraternal benefit societies and life or accident insurance companies are not affected by this chapter.

**420-A:31 Rules.** The commissioner is authorized and empowered to adopt such rules in accordance with RSA 541-A which are reasonable and necessary to administer and enforce the provisions of this chapter.

**420-A:32 Workers' Compensation Law Not Affected.** No provision of this chapter or any contract for hospital service by such health service corporation shall in any way affect the operation of workers' compensation laws of the state.

2 Reference Change. Amend RSA 135-C:10, I(c) to read as follows:

(c) Receive payments for services under RSA 415:18-a[, ~~RSA 419:5-a, and RSA 420:5-a~~].

3 Reference Change. Amend RSA 330-A:16-d, II to read as follows:

II. Any clinical social worker certified pursuant to this section shall be qualified, in addition to any other qualifications earned as a result of certification pursuant to this section, to receive payments for services under RSA 415:18-a[, ~~RSA 419:5-a, and RSA 420:5-a~~].

4 Reference Change. Amend RSA 402-C:2, V to read as follows:

V. All [~~hospital and medical service plans as defined in RSA 419 and RSA 420 and all~~] *non-profit health service corporations as defined in RSA 420-A and all* fraternal benefit and mutual benefit societies as defined in RSA 418.

5 Reference Changes. Amend RSA 405:45, IV to read as follows:

IV. "Domestic ceding insurer" means any insurance company or association which is incorporated under the laws of this state and shall include health maintenance organizations licensed pursuant to RSA 420-B, *and* nonprofit health service corporations licensed pursuant to RSA 420-A [~~hospital service corporations licensed pursuant to RSA 419, and medical service corporations licensed pursuant to RSA 420~~].

6 Reference Change. Amend RSA 415:18, VII(g)(2) to read as follows:

(2) The provisions of this section shall apply to group hospital, and medical expense policies subject to RSA 415 and group [~~hospital, and medical~~] *health*, service plan contracts issued pursuant to RSA [~~419, 420 and~~] 420-A, and to health maintenance organization policies and plans issued pursuant to RSA 420-B.

7 Reference Change. Amend RSA 415:18, VII-a(f) to read as follows:

(f) The provisions of this paragraph shall apply to group hospital, and medical expense policies subject to RSA 415 and group [~~hospital medical~~] *health* service plan contracts issued pursuant to RSA [~~419, 420;~~] 420-A, and to health maintenance organization policies and plans issued pursuant to RSA 420-B.

8 Reference Change. Amend RSA 415:22, I to read as follows:

I. All individual and group health insurance policies providing coverage on a provision of service or an expense incurred basis[, ~~and individual and group service or indemnity type contracts issued by any corporation governed by RSA 419 or RSA 420;~~] shall also provide that the health insurance benefits applicable for children are payable with respect to a newly born child of the insured or subscriber from the moment of birth.

9 Reference Change. Amend RSA 415-A:1, I and II to read as follows:

I. "Accident and health insurance" means insurance written under RSA 415 and coverages written under RSA 415-E, [~~RSA 419, RSA 420;~~] RSA 420-A, RSA 420-B, and RSA 420-C. For purposes of this chapter, multiple-employer welfare arrangements, [~~nonprofit hospital and medical service corporations;~~] nonprofit health service corporations, health maintenance organizations, and preferred provider agreements subject to RSA 420-C shall be deemed to be engaged in the business of insurance.

II. "Form" means policies, contracts, riders, endorsements, and applications as provided in RSA 415, RSA 415-E, [~~RSA 419, RSA 420;~~] RSA 420-A, RSA 420-B, and RSA 420-C.

10 Reference Change. Amend the introductory paragraph of RSA 415-D:5, I to read as follows:

I. To establish specific standards, including standards of full and fair disclosure, that set forth the manner, content and required disclosures for the sale of long-term care insurance policies and certificates. These standards shall be in addition to, and in accordance with, applicable laws of this state, including RSA 415[, ~~419, 420;~~] and 420-A, as applicable, which may cover but shall not be limited to:

11 Reference Change. Amend RSA 415-D:10, II to read as follows:

II. The provisions of RSA 415:2, 415:3, 415:4[, ~~419, 420;~~] and 420-A, as applicable, shall be applicable to group long-term care insurance policy and certificate forms and any application, rider, endorsement, or amendment used with such forms.

12 Reference Change. Amend RSA 417-D:1, II to read as follows:

II. "Insurer" means any entity issuing accident or health insurance or accident and health insurance policies, contracts, certificates, or other evidence of coverage pursuant to RSA 415, 415-A, [~~419, 420~~], 420-A, or 420-B.

13 Reference Change. Amend RSA 417-E:1, II to read as follows:

II. Notwithstanding any other provision of law, each insurer that issues or renews any policy of group or blanket accident or health insurance and each ~~[hospital service corporation under RSA 419, medical service corporation under RSA 420 and]~~ *nonprofit health services corporation under RSA 420-A* and health maintenance organization under RSA 420-B providing benefits for disease or sickness in the state of New Hampshire shall provide benefits for treatment and diagnosis of certain biologically-based mental illnesses under the same terms and conditions and which are no less extensive than coverage provided for any other type of health care for physical illness.

14 Reference Change. Amend RSA 417-E:1, IV to read as follows:

IV. The benefits required under this section shall begin when benefits provided under RSA 415:18-a~~[-419:5-a, 420:5-a,]~~ and RSA 420-B:8-b, as applicable are exhausted.

15 Reference Change. Amend RSA 420-B:19, II to read as follows:

II. Notwithstanding any provisions of the laws of this state relating to insurance corporations engaged in the business of insurance, or any provisions of RSA ~~[419, 420, or]~~ 420-A relating to ~~[hospital service corporations, medical service corporations and]~~ health service corporations, an insurer or ~~[hospital, medical, or]~~ health service corporation may contract with a health maintenance organization to provide insurance or similar protection against the cost of care provided through health maintenance organizations and to provide coverage in the event of failure of the health maintenance organization to meet its obligations. The enrolled participants of a health maintenance organization constitute a permissible group under such laws. Under the contracts set forth in this paragraph, the insurer or ~~[hospital, medical, or]~~ health service corporation may make benefit payments to health maintenance organizations for health care services rendered by providers pursuant to the health care plan.

16 Reference Change. Amend RSA 420-F:18 to read as follows:

420-F:18 Prohibited Practices. ~~[RSA 420-A:21 through RSA 420-A:32]~~ *RSA 417* shall be construed to apply to Delta and the contracts which Delta issues, except to the extent that the commissioner determines that the nature of Delta, and the contracts which Delta issues, renders such provisions inappropriate.

17 Reference Change. Amend RSA 420-G:10, I to read as follows:

I. This chapter shall apply to any entity licensed, controlled or regulated by RSA 415, RSA 415-E, ~~[RSA 419, RSA 420,]~~ RSA 420-A, RSA 420-B or RSA 420-C which offers or provides individual or small employer health insurance plans or health benefits plans for delivery in this state. This chapter shall also apply to any multi-employer plan, trust, association, claims administrator, claims paying agent or any other entity whether fully insured, partially insured, or self-funded which offers or provides individual or small employer health insurance plans or health benefits plans for delivery in this state. This chapter shall not apply to pooled risk management programs which meet the standards established by RSA 5-B.

18 Repeal. The following are repealed:

I. RSA 419, relative to hospital service corporations.

II. RSA 420, relative to medical service corporations.

19 Effective Date. This act shall take effect January 1, 1998.

Adopted.

Report adopted and ordered to third reading.

**HB 342**, relative to the payment of recording fees for mortgage discharges. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce: This bill requires mortgagors to spell out at the signing of the mortgage that they will charge a reasonable fee as part of the cost of recording the mortgage. Vote 13-0.

### Amendment (0225h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the payment of recording fees for mortgage discharges and relative to notification of the discharge to the payor of the final payment in satisfaction of the mortgage.

Amend RSA 479:7, II as inserted by section I of the bill by replacing it with the following:

II. The mortgagee, within 60 days after said mortgage is satisfied *and having reasonable charges tendered to the mortgagee*, shall cause the discharge of the mortgage to be recorded in

the registry of deeds where the land lies. *The recording fees associated with the discharge of mortgage may be charged to the mortgagor, if the mortgagor received written disclosure that such fees would be so charged. The mortgagee shall provide written confirmation of the discharge within the 60-day period to the payor of the final payment in satisfaction of the mortgage.*

#### AMENDED ANALYSIS

This bill allows a lender, after written disclosure to the borrower, to collect from the borrower the cost assessed by the register of deeds to record a discharge of a mortgage. The bill also requires the lender to provide written confirmation of the discharge to the payor of the final payment in satisfaction of the mortgage.

Adopted.

Report adopted and ordered to third reading.

**HB 166**, extending the time frame for the annual school district meeting date to the last Saturday in April. OUGHT TO PASS

Rep. Phil A. Weber for Education: This bill expands the time window available to annual meeting school districts for the holding of the annual meeting from March 1-25 to March 1 to the last Saturday in April. This expansion gives school boards additional flexibility. Cities without annual meetings are unaffected. Vote 11-4.

Reps. Metzger and Belvin spoke against.

The report failed.

Rep. Belvin moved Re-refer to Committee.

Adopted.

**HB 167**, changing the teacher nomination notification date from April 15 to May 15. RE-REFER TO COMMITTEE

Rep. Phil A. Weber for Education: The notification date for teachers in annual school meeting districts was moved in the last session from March 30<sup>th</sup> to April 15<sup>th</sup>. Given the recent nature of that change and other uncertainties of official ballot voting (SB-2) the committee decided additional study would yield a better solution to the timing of teacher notification, that balances the interests of teachers, school boards, and school administrators. Vote 8-7.

Adopted.

**HB 242**, requiring voter approval for any type of random drug testing within a school district. RE-REFER TO COMMITTEE

Rep. Richard L. Champagne for Education: HB 242 is a reaction to local school board policy relative to drug testing. The committee feels strongly that the appeal process to the State Board of Education (RSA 21-N:11) proceed prior to any legislative action. Vote 19-1.

Adopted.

**HB 270-L**, allowing school districts to transfer permanent paper records onto electronic alternate media and destroy printed records. RE-REFER TO COMMITTEE

Rep. Suzan Franks for Education: During testimony many concerns regarding permanent records surfaced. The committee believes further study on the electronic maintenance of school records will be most helpful in developing a policy that will serve the interest of school districts, the State Board of Education, and the public. Vote 16-3.

Adopted.

**HB 783-FN-A-L**, relative to funding vocational student organizations and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Jane E.O'Hearn for Education: Vocational Service Organizations (VSOs) provides an important part of any pupil's educational development. It provides an opportunity for pupils to explore career opportunities and develop career skills. There are over 6,000 New Hampshire members of the VSO and 12,000 New Hampshire students receive classroom training from them. The Carl Perkins Act provides federal money that is drying up. The committee found this organization of such importance that it merits adequate support and funding. The amendment eliminates state liability for insurance purposes. Vote 13-4.

**Amendment (0339h)**

Amend section 1 of the bill by deleting subparagraph IV(f).

Adopted.

Report adopted and referred to Finance.

**HCR 2**, urging all school districts in the state of New Hampshire to implement peer mediation programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan B. Durham for Education: New Hampshire law requires character and civic education; there was testimony that having Peer Mediation in place helps the effectiveness of that curriculum. The New Hampshire Bar Association supports this program. The Dept. of Education supports this resolution which might help spread the voluntary adoption of Peer Mediation throughout the state. The amendment was to emphasize the primary role of teachers in maintaining school discipline. Vote 9-8.

**Amendment (0325h)**

Amend the resolution by replacing all after the title with the following:

Whereas, conflict is a natural human state often accompanying personal growth or changes in our institutions, and is better approached with skills than avoidance; and

Whereas, more appropriate and effective systems are needed to deal with conflict in the school setting than expulsion, suspension, court intervention, or detention; and

Whereas, the use of mediation to resolve school-based disputes can result in improved communication between and among students, teachers, administrators, and parents and can, in general, improve the school climate, as well as provide a forum for addressing common concerns; and

Whereas, the use of mediation as a conflict resolution method can result in a reduction of violence, vandalism, chronic school absence, and suspension; and

Whereas, mediation training helps both young people and teachers to deepen their understanding about themselves and others and provides them with lifetime dispute resolution skills; and

Whereas, mediation training increases students' interest in conflict resolution, justice, and the American legal system, while encouraging a higher level of citizenship activity; and

Whereas, recognizing that young people are competent to participate in the resolution of their own disputes encourages student growth and gives students skills, such as listening, critical thinking and problem-solving, which are basic to all learning; and

Whereas, mediation training, with its emphasis upon listening to others' points of view and the peaceful resolution of differences, assists in preparing students to live in a multi-cultural world; and

Whereas, mediation provides a system of problem solving that is uniquely suited to the personal nature of young peoples' problems and is frequently used by students for problems they would not take to parents, teachers, or principals; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That all school districts in the state of New Hampshire implement peer mediation programs in all of their schools; and

That the clerk of the house of representatives transmit copies of this resolution to the governor, the department of education, all school administrative units and local school districts in the state, and the state library.

Adopted.

Report adopted and ordered to third reading.

**CACR 1**, relating to a 4-year term for the office of governor. Providing that the governor shall be elected every 4 years. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph A. Foster for Election Law: This CACR, as amended, seeks to start the process to amend the New Hampshire Constitution to provide for a four-year term for the governor commencing with the election to be held in the year 2002. The majority of the committee believes extending the term from two years to four years will allow the office holder to concentrate on the business of governing rather than on the business of re-election so soon after taking office. As the situation now stands, a sitting governor must file for re-election less than 18 months after taking office and for all practical purposes must start much earlier. The majority also concluded that, if the term is extended to four years, it is best to have the governor elected in non-Presidential years to ensure greater voter turnout in these elections and to give the governor's race the full attention it deserves. Vote 15-3.

**Amendment (0344h)**

Amend the title of the resolution by replacing it with the following:

RELATING TO: a 4-year term for the office of governor.

PROVIDING THAT: the governor shall be elected every 4 years beginning in the year 2002.

Amend the resolution by replacing paragraph I with the following:

I. That article 42 of the second part of the constitution be amended to read as follows:

[Art.] 42 [Election of Governor; Return of Votes; Electors; If No Choice, Legislature to Elect One of Two Highest Candidates; Qualifications for Governor.] The governor shall be chosen ~~[biennially]~~ *to serve a 2-year term in the year 2000 and, beginning in the year 2002, shall be chosen every 4 years* in the month of November; and the votes for governor shall be received, sorted, counted certified and returned, in the same manner as the votes for senators~~;~~ *and*. The secretary shall ~~[lay the same before]~~ *present the results to* the senate and house of representatives~~;~~ *on the first Wednesday following the first Tuesday of January to be examined by them [examined, and,].* In case of an election by a plurality of votes ~~[through]~~ *throughout* the state, the ~~[choice shall be by them declared and published]~~ *general court shall declare and publish the name of the winner.* ~~[And]~~ The qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a plurality of votes, the senate and house of representatives shall, by joint ballot elects one of the ~~[two]~~ 2 persons, having the highest number of votes, who shall be declared governor. ~~[And]~~ No person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this state for 7 years next preceding, and unless he shall be of the age of 30 years.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending the constitution to require that, beginning in the year 2002, the governor be elected for a term of 4 years, instead of a term of 2 years?

**AMENDED ANALYSIS**

This constitutional amendment concurrent resolution provides that, beginning in the year 2002, the term of the governor shall be 4 years.

Adopted.

Rep. MacGillivray requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 270 NAYS 78****YEAS 270****BELKNAP**

|                  |                  |                    |                |
|------------------|------------------|--------------------|----------------|
| Bartlett, Gordon | Boriso, Thomas   | Boyce, Robert      | Clark, Charles |
| Golden, Paul     | Holbrook, Robert | Hurt, George       | Lawton, David  |
| Pilliod, James   | Rosen, Ralph     | Salatiello, Thomas | Thomas, John   |
| Turner, Robert   | Veazey, John     | Ziegra, Alice      |                |

**CARROLL**

|                |                   |                 |                |
|----------------|-------------------|-----------------|----------------|
| Bradley, Jeb   | Cooper, Kipp      | Howard, Godfrey | Kenney, Joseph |
| Patten, Betsey | Philbrick, Donald |                 |                |

**CHESHIRE**

|                     |                 |                    |                   |
|---------------------|-----------------|--------------------|-------------------|
| Avery, Stephen      | Bonneau, Sarah  | Champagne, Richard | DePecol, Benjamin |
| Doucette, Richard   | Lynch, Margaret | Lynott, Margaret   | Manning, Joseph   |
| McGuirk, Paul       | McNamara, Wanda | Meador, David      | Pratt, John       |
| Richardson, Barbara | Riley, William  | Robertson, Timothy | Royce, H. Charles |
| Russell, Ronald     | Smith, Edwin    | Steere, Myron, III |                   |

**COOS**

|                   |                  |                  |                 |
|-------------------|------------------|------------------|-----------------|
| Bradley, Paula    | Coulombe, Henry  | Coulombe, Yvonne | Davis, Perley   |
| Hawkinson, Marie  | Horton, Lynn     | Mears, Edgar     | Moynihan, Wayne |
| St. Hilaire, Paul | Tholl, John, Jr. |                  |                 |

**GRAFTON**

|                 |                        |                    |                 |
|-----------------|------------------------|--------------------|-----------------|
| Akins, Ralph    | Alger, John            | Almy, Susan        | Below, Clifton  |
| Brown, Channing | Chase, Paul, Jr.       | Copenhaver, Marion | Guest, Robert   |
| Hill, Richard   | LaMott, Paul           | Lovett, Sidney     | Luker, Elsa     |
| MacNeil, Allen  | Nordgren, Sharon       | Teschner, Douglass | Trelfa, Richard |
| Weber, Phil     | Williams, William, Jr. |                    |                 |

**HILLSBOROUGH**

|                      |                       |                            |                     |
|----------------------|-----------------------|----------------------------|---------------------|
| Ackerman, Philip     | Amidon, Eleanor       | Arnold, Thomas, Jr.        | Baroody, Benjamin   |
| Barry, William, III  | Bergin, Peter         | Bernier, Shannon           | Buckley, Raymond    |
| Calawa, Leon, Jr.    | Cardin, Lori          | Carlson, Donald            | Chabot, Robert      |
| Christiansen, Lars   | Clay, Susan           | Clemons, Jane              | Clemons, Kevin, Sr. |
| Cote, Peter          | D'Allesandro, Lou     | Daigle, Robert             | Daniels, Gary       |
| Desrosiers, William  | Dokmo, Cynthia        | Drabinowicz, A. Theresa    | Durham, Susan       |
| Dwyer, Paul, Sr.     | Dyer, Merton          | Emerton, Lawrence, Sr.     | Ferguson, Charles   |
| Fields, Dennis       | Flora, Kathleen       | Foster, Joseph             | Foster, Linda       |
| Franks, Suzan        | Gage, Ruth            | Gagnon, Eugene             | Ginsburg, Ruth      |
| Golding, William     | Gosselin, Gerald      | Haettenschwiller, Alphonse | Hall, Betty         |
| Hansen, Herbert      | Hart, Nick            | Herman, Keith              | Holden, Carol       |
| Holley, Sylvia       | Holt, David           | Jean, Claudette            | Johnson, Lionel     |
| Kelley, Robert       | L'Heureux, Robert     | LaRose, Richard            | Leishman, Peter     |
| Leonard, Peter       | Lessard, Rudy         | Lozeau, Donnalee           | Luebker, Bernard    |
| Lynde, Harold        | Martin, Mary          | McCarthy, William          | McCarty, Winston    |
| McDonald, James, Sr. | McGough, Tim          | Melcher, Harold            | Messier, Irene      |
| Milligan, Robert     | Mittelman, David      | Murphy, Robert             | O'Hearn, Jane       |
| O'Rourke, Thomas     | Perkins, Paul         | Piteri, Dawn               | Reidy, Frank        |
| Sargent, Maxwell     | Searles, Stanley, Sr. | Thulander, O. Alan         | Turgeon, Roland     |
| Welch, Donald        | Wheeler, Robert       | White, Donald              | White, Jay          |
| Williams, Carol      |                       |                            |                     |

**MERRIMACK**

|                    |                    |                    |                 |
|--------------------|--------------------|--------------------|-----------------|
| Adams, Stephen     | Anderson, Eric     | Brown, Mary        | Burney, Carol   |
| Crosby, Toni       | Daneault, Gabriel  | DeStefano, Stephen | Dunn, Miriam    |
| Fraser, Marilyn    | French, Barbara    | Gile, Mary         | Hess, David     |
| Hoadley, Elizabeth | Jacobson, Alf      | Krueger, Patricia  | Lamach, Bernard |
| Larrabee, David    | Leber, William     | Marshall, Kenneth  | Maxfield, Roy   |
| Moore, Carol       | Morrill, Olive     | Nichols, Avis      | Owen, Derek     |
| Reardon, Tara      | Rogers, Katherine  | Seldin, Gloria     | St. Cyr, Gerard |
| Wallin, Jean       | Wallner, Mary Jane | Yeaton, Charles    |                 |

**ROCKINGHAM**

|                     |                     |                       |                          |
|---------------------|---------------------|-----------------------|--------------------------|
| Abbott, Dennis      | Aranda, M. Kathryn  | Arndt, Janet          | Battles-Peirce, Marjorie |
| Belanger, Ronald    | Blanchard, MaryAnn  | Camm, Kevin           | Carson, Gregory          |
| Case, Margaret      | Cegelis, Mark       | Christie, Andrew, Jr. | Clark, Martha            |
| Coes, Betsy         | Cushing, Robert     | Dearborn, Bruce       | Dowling, Patricia        |
| Downing, Michael    | Flanagan, Natalie   | Flanders, David       | Francoeur, Sheila        |
| Frechette, Joseph   | Gibbons, Paul       | Gleason, John         | Guthrie, Joseph          |
| Heath, John         | Hutchinson, Rebecca | Kelley, Jane          | Klemm, Arthur, Jr.       |
| Kobel, Rudolph      | Langley, Jane       | Langone, John         | Malcolm, Kenneth         |
| McCarthy, John, Jr. | McGovern, Cynthia   | McKinney, Betsy       | Micklon, Stephanie       |
| Mikowski, Walter    | Moore, Benjamin     | Norelli, Terie        | Nowe, Ronald             |
| Noyes, Richard      | Pantelakos, Laura   | Raynowska, Bernard    | Rubin, George            |
| Sabella, Norma      | Schanda, Frank      | Stone, Joseph         | Syracusa, Anthony        |
| Tufts, J. Arthur    | Varell, Thomas      | Weatherspoon, Jackie  | Weyler, Kenneth          |
| Woods, Deborah      |                     |                       |                          |

**STRAFFORD**

|                  |                   |                    |                  |
|------------------|-------------------|--------------------|------------------|
| Callaghan, Frank | DeChane, Marlene  | Dunlap, Patricia   | Estabrook, Iris  |
| Grassie, Anne    | Hilliard, Dana    | Kaen, Naida        | Keans, Sandra    |
| Knowles, William | Lundborn, Raymond | McKinley, Robert   | Merrill, Amanda  |
| Merritt, Deborah | Pelletier, Arthur | Rogers, Rose Marie | Rollo, Michael   |
| Smith, Marjorie  | Snyder, Clair     | Sullivan, Henry    | Taylor, Kathleen |
| Torr, Ann        | Torr, Franklin    | Tsiros, William    | Twardus, Joseph  |
| Vachon, Dennis   | Wall, Janet       |                    |                  |

**SULLIVAN**

|                 |                  |                    |                 |
|-----------------|------------------|--------------------|-----------------|
| Adler, Rudolf   | Burling, Peter   | Cloutier, John     | Donovan, Thomas |
| Ferland, Brenda | Flint, Gordon    | Krueger, Richard   | Leone, Richard  |
| Lindblade, Eric | Schotanus, Merle | Wiggins, Celestine |                 |

**NAYS 78****BELKNAP**

|                |                   |
|----------------|-------------------|
| Lawton, Robert | Rice, Thomas, Jr. |
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**CARROLL**

|                    |                    |                        |                |
|--------------------|--------------------|------------------------|----------------|
| Babson, David, Jr. | Chandler, Gene     | Dickinson, Howard, Jr. | Foster, Robert |
| Lyman, L. Randy    | MacDonald, Kenneth | Mock, Henry            |                |

**CHESHIRE**

Hunt, John

**COOS**

|                 |                 |
|-----------------|-----------------|
| Merrill, Gerald | Pratt, Leighton |
|-----------------|-----------------|

**GRAFTON**

|                  |                  |               |              |
|------------------|------------------|---------------|--------------|
| Cobbin, Philip   | Eaton, Stephanie | Hinman, Harry | Mirski, Paul |
| Phinney, William | Root, John       |               |              |

**HILLSBOROUGH**

|                       |                       |                     |                    |
|-----------------------|-----------------------|---------------------|--------------------|
| Alukonis, David       | Batula, Peter         | Belvin, William     | Boutin, David      |
| Brundige, Robert      | Burke, M. Virginia    | Carney, Lauren      | Clegg, Robert, Jr. |
| Dawe, Eileen          | Fenton, James         | Goulet, Maurice     | Hunter, Bruce      |
| Jean, Loren           | Kurk, Neal            | Lefebvre, Roland    | Letendre, Evelyn   |
| MacGillivray, Jeffrey | Marcinkowski, Michael | McRae, Karen        | Pepino, Leo        |
| Peterson, Andrew      | Riley, Frances        | Vaillancourt, Steve | Wright, George     |

**MERRIMACK**

|                  |                   |                  |                   |
|------------------|-------------------|------------------|-------------------|
| Chandler, Earle  | Colburn, Kathleen | Colburn, Thomas  | Langer, Ray       |
| Lockwood, Robert | Plaff, Terence    | Whalley, Michael | Whittemore, James |

**ROCKINGHAM**

|                 |                     |                      |                    |
|-----------------|---------------------|----------------------|--------------------|
| Beaulieu, Jon   | Bishop, Franklin    | Cooney, Richard      | Cote, Patricia     |
| Dodge, Robert   | Dolan, Richard      | Dube, LeRoy          | Dunham, Vivian     |
| Fesh, Robert    | Flanders, John, Sr. | Griffin, Mary        | Henderson, Warren  |
| Johnson, Robert | Katsakiores, George | Katsakiores, Phyllis | Letourneau, Robert |
| Major, Norman   | Millard, Ralph      | Morris, Debbie       | Packard, Sherman   |
| Smith, Kevin    | Stickney, Nancy     | Stritch, C. Donald   | Verani, Giovanni   |
| Welch, David    |                     |                      |                    |

**STRAFFORD**

|                 |               |
|-----------------|---------------|
| Bickford, David | Hemon, Roland |
|-----------------|---------------|

**SULLIVAN**

Kibbey, David

and the report was adopted by the constitutionally required three-fifths.

Ordered to third reading.

Reps. McCann and Simmons did not vote and wished to be recorded in favor.

**SUSPENSION OF RULES**

Rep. Wheeler moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **CACR 1**, relating to a 4-year term for the office of governor. Providing that the governor shall be elected every 4 years beginning in the year 2002.

Adopted by the necessary two-thirds.

**MOTION ON CACR**

Rep. Wheeler moved that **CACR 1**, relating to a 4-year term for the office of governor. Providing that the governor shall be elected every 4 years beginning in the year 2002, be read a third time and passed.

On a division vote, 280 members having voted in the affirmative and 67 in the negative, **CACR 1** was adopted by the constitutionally required three-fifths.

**Third reading and final passage**

**CACR 1**, relating to a 4-year term for the office of governor. Providing that the governor shall be elected every 4 years beginning in the year 2002.

**REGULAR CALENDAR (CONT'D.)**

**CACR 15**, relating to requiring that the attorney general be elected. Providing that the attorney general be chosen biennially in the general election. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold Jr. for Election Law: The committee felt that popular election would politicize the office and reduce its effectiveness due to the time spent running for office. Cases might be selected for prosecution based on the popular appeal only. Vote 16-0.

Adopted.

**CACR 22**, relating to changing the minimum age requirement for state senator from 30 to 25. Providing that persons at least 25 years of age shall be eligible to be elected to the state senate. **OUGHT TO PASS**

Rep. Susan W. Almy for Election Law: The committee felt that the voters should be allowed to judge for themselves whether particular candidates are mature enough to act as their state senators. There is a wide variation in individuals at all age groups and there have been stellar examples of public service by under -30's in our own state in the past. The committee voted to bring this choice before the electorate. Vote 17-1.

On a division vote, 296 members having voted in the affirmative and 46 in the negative, the report was adopted by the constitutionally required three-fifths.

Ordered to third reading.

**SUSPENSION OF RULES**

Rep. Wheeler moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **CACR 22**, relating to changing the minimum age requirement for state senator from 30 to 25. Providing that persons at least 25 years of age shall be eligible to be elected to the state senate.

Adopted by the necessary two-thirds.

**MOTION ON CACR**

Rep. Wheeler moved that **CACR 22**, relating to changing the minimum age requirement for state senator from 30 to 25. Providing that persons at least 25 years of age shall be eligible to be elected to the state senate, be read a third time and passed.

Rep. MacGillivray requested a roll call; sufficiently seconded.

The question being third reading and final passage of **CACR 22**.

**YEAS 323 NAYS 29****YEAS 323****BELKNAP**

|                   |                  |                    |                |
|-------------------|------------------|--------------------|----------------|
| Bartlett, Gordon  | Boriso, Thomas   | Boyce, Robert      | Clark, Charles |
| Golden, Paul      | Holbrook, Robert | Hurt, George       | Lawton, Robert |
| Rice, Thomas, Jr. | Rosen, Ralph     | Salatiello, Thomas | Thomas, John   |
| Turner, Robert    | Veazey, John     | Ziegra, Alice      |                |

**CARROLL**

|                    |                |                   |                    |
|--------------------|----------------|-------------------|--------------------|
| Babson, David, Jr. | Bradley, Jeb   | Chandler, Gene    | Cooper, Kipp       |
| Howard, Godfrey    | Kenney, Joseph | Lyman, L. Randy   | MacDonald, Kenneth |
| Mock, Henry        | Patten, Betsey | Philbrick, Donald |                    |

**CHESHIRE**

|                     |                |                    |                   |
|---------------------|----------------|--------------------|-------------------|
| Avery, Stephen      | Bonneau, Sarah | Champagne, Richard | DePecol, Benjamin |
| Doucette, Richard   | Hunt, John     | Lynch, Margaret    | Lynott, Margaret  |
| Manning, Joseph     | McGuirk, Paul  | McNamara, Wanda    | Meador, David     |
| Richardson, Barbara | Riley, William | Robertson, Timothy | Royce, H. Charles |
| Russell, Ronald     | Smith, Edwin   | Steere, Myron, III |                   |

**COOS**

|                  |                 |                   |                  |
|------------------|-----------------|-------------------|------------------|
| Bradley, Paula   | Coulombe, Henry | Coulombe, Yvonne  | Davis, Perley    |
| Hawkinson, Marie | Horton, Lynn    | Mears, Edgar      | Merrill, Gerald  |
| Moynihan, Wayne  | Pratt, Leighton | St. Hilaire, Paul | Tholl, John, Jr. |

**GRAFTON**

|                        |                    |                    |                  |
|------------------------|--------------------|--------------------|------------------|
| Akins, Ralph           | Almy, Susan        | Below, Clifton     | Brown, Channing  |
| Chase, Paul, Jr.       | Cobbin, Philip     | Copenhaver, Marion | Eaton, Stephanie |
| Guest, Robert          | Hill, Richard      | Hinman, Harry      | LaMott, Paul     |
| Luker, Elsa            | MacNeil, Allen     | Mirski, Paul       | Nordgren, Sharon |
| Root, John             | Teschner, Douglass | Trelfa, Richard    | Weber, Phil      |
| Williams, William, Jr. |                    |                    |                  |

**HILLSBOROUGH**

|                         |                            |                     |                      |
|-------------------------|----------------------------|---------------------|----------------------|
| Ackerman, Philip        | Alukonis, David            | Amidon, Eleanor     | Baroody, Benjamin    |
| Barry, William, III     | Bergin, Peter              | Bernier, Shannon    | Boutin, David        |
| Brundige, Robert        | Buckley, Raymond           | Burke, M. Virginia  | Calawa, Leon, Jr.    |
| Cardin, Lori            | Carlson, Donald            | Carney, Lauren      | Chabot, Robert       |
| Christiansen, Lars      | Clay, Susan                | Clegg, Robert, Jr.  | Clemons, Jane        |
| Clemons, Kevin, Sr.     | Cote, Peter                | D'Allesandro, Lou   | Daigle, Robert       |
| Daniels, Gary           | Dawe, Eileen               | Desrosiers, William | Dokmo, Cynthia       |
| Drabinowicz, A. Theresa | Durham, Susan              | Dwyer, Paul, Sr.    | Dyer, Merton         |
| Emerton, Lawrence, Sr.  | Ferguson, Charles          | Fields, Dennis      | Flora, Kathleen      |
| Foster, Joseph          | Foster, Linda              | Franks, Suzan       | Gage, Ruth           |
| Gagnon, Eugene          | Letendre, Evelyn           | Golding, William    | Gosselin, Gerald     |
| Goulet, Maurice         | Haettenschwiller, Alphonse | Hall, Betty         | Hansen, Herbert      |
| Hart, Nick              | Herman, Keith              | Holden, Carol       | Holley, Sylvia       |
| Holt, David             | Hunter, Bruce              | Jean, Claudette     | Jean, Loren          |
| Johnson, Lionel         | Kelley, Robert             | Kurk, Neal          | L'Heureux, Robert    |
| LaRose, Richard         | Lefebvre, Roland           | Leishman, Peter     | Leonard, Peter       |
| Lessard, Rudy           | Letendre, Evelyn           | Lozeau, Donnalee    | Lynde, Harold        |
| Martin, Mary            | McCarthy, William          | McCarty, Winston    | McDonald, James, Sr. |
| McGough, Tim            | Mercer, Robert             | Messier, Irene      | Milligan, Robert     |
| Mittelman, David        | O'Hearn, Jane              | O'Rourke, Thomas    | Papino, Leo          |
| Perkins, Paul           | Peterson, Andrew           | Piteri, Dawn        | Reidy, Frank         |

Sargent, Maxwell  
Welch, Donald  
Williams, Carol

Searles, Stanley, Sr.  
Wheeler, Robert

Turgeon, Roland  
White, Donald

Vaillancourt, Steve  
White, Jay

## MERRIMACK

Anderson, Eric  
Colburn, Kathleen  
DeStefano, Stephen  
Gile, Mary  
Krueger, Patricia  
Leber, William  
Moore, Carol  
Pfaff, Terence  
Wallin, Jean  
Yeaton, Charles

Brown, Mary  
Colburn, Thomas  
Dunn, Miriam  
Hess, David  
Lamach, Bernard  
Lockwood, Robert  
Morrill, Olive  
Reardon, Tara  
Wallner, Mary Jane

Burney, Carol  
Crosby, Toni  
Fraser, Marilyn  
Hoadley, Elizabeth  
Langer, Ray  
Marshall, Kenneth  
Nichols, Avis  
Rogers, Katherine  
Whalley, Michael

Chandler, Earle  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Larrabee, David  
Maxfield, Roy  
Owen, Derek  
St. Cyr, Gerard  
Whittemore, James

## ROCKINGHAM

Abbott, Dennis  
Beaulieu, Jon  
Camm, Kevin  
Christie, Andrew, Jr.  
Cote, Patricia  
Dolan, Richard  
Dunham, Vivian  
Francoeur, Sheila  
Guthrie, Joseph  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Micklon, Stephanie  
Morris, Debbie  
Packard, Sherman  
Schanda, Frank  
Stritch, C. Donald  
Vaughn, Charles  
Woods, Deborah

Aranda, M. Kathryn  
Belanger, Ronald  
Carson, Gregory  
Clark, Martha  
Cushing, Robert  
Dowling, Patricia  
Fesh, Robert  
Frechette, Joseph  
Heath, John  
Katsakiores, Phyllis  
Langley, Jane  
McCarthy, John, Jr.  
Mikowski, Walter  
Norelli, Terie  
Pantelakos, Laura  
Smith, Kevin  
Syracusa, Anthony  
Verani, Giovanni

Arndt, Janet  
Bishop, Franklin  
Case, Margaret  
Coes, Betsy  
Dearborn, Bruce  
Downing, Michael  
Flanagan, Natalie  
Gibbons, Paul  
Henderson, Warren  
Kelley, Jane  
Langone, John  
McGovern, Cynthia  
Millard, Ralph  
Nowe, Ronald  
Raynowska, Bernard  
Stickney, Nancy  
Tufts, J. Arthur  
Weatherspoon, Jackie

Battles-Peirce, Marjorie  
Blanchard, MaryAnn  
Cegelis, Mark  
Cooney, Richard  
Dodge, Robert  
Dube, LeRoy  
Flanders, David  
Gleason, John  
Hutchinson, Rebecca  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McKinney, Betsy  
Moore, Benjamin  
Noyes, Richard  
Sabella, Norma  
Stone, Joseph  
Varrell, Thomas  
Weyler, Kenneth

## STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Musler, George  
Smith, Marjorie  
Torr, Ann  
Vachon, Dennis

Bickford, David  
Estabrook, Iris  
Kaen, Naida  
McKinley, Robert  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Tsiros, William

DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Merritt, Deborah  
Rollo, Michael  
Taylor, Kathleen  
Twardus, Joseph

## SULLIVAN

Adler, Rudolf  
Ferland, Brenda  
Leone, Richard

Burling, Peter  
Flint, Gordon  
Lindblade, Eric

Cloutier, John  
Kibbey, David  
Schotanus, Merle

Donovan, Thomas  
Krueger, Richard  
Wiggins, Celestine

## NAYS 29

## BELKNAP

Lawton, David

Pilliod, James

**CARROLL**

Dickinson, Howard, Jr.      Foster, Robert

**CHESHIRE**

Pratt, John

**COOS**

None

**GRAFTON**

Alger, John      Lovett, Sidney      Phinney, William

**HILLSBOROUGH**

|                     |                       |                       |                    |
|---------------------|-----------------------|-----------------------|--------------------|
| Arnold, Thomas, Jr. | Batula, Peter         | Belvin, William       | Fenton, James      |
| Luebker, Bernard    | MacGillivray, Jeffrey | Marcinkowski, Michael | McRae, Karen       |
| Melcher, Harold     | Murphy, Robert        | Riley, Frances        | Thulander, O. Alan |
| Wright, George      |                       |                       |                    |

**MERRIMACK**

Adams, Stephen      Seldin, Gloria

**ROCKINGHAM**

|                     |               |                     |                  |
|---------------------|---------------|---------------------|------------------|
| Flanders, John, Sr. | Griffin, Mary | Katsakiores, George | Malcolm, Kenneth |
| Rubin, George       | Welch, David  |                     |                  |

**STRAFFORD**

None

**SULLIVAN**

None

and CACR 22 was read a third time and passed by the constitutionally required three-fifths. Reps. McCann and Simmons did not vote and wished to be recorded in favor.

**Third reading and final passage**

**CACR 22**, relating to changing the minimum age requirement for state senator from 30 to 25. Providing that persons at least 25 years of age shall be eligible to be elected to the state senate.

**REGULAR CALENDAR (CONT'D.)**

**HB 220**, to establish new state representative districts for the city of Laconia. **INEXPEDIENT TO LEGISLATE**

Rep. Janet S. Arndt for Election Law: The subject matter of the bill has been presented in prior sessions of the legislature; it has never been enacted into law. The city will be redistricted after the 10-year federal census in the year 2000. Laconia failed to develop its ward lines within the specified time limit and now wants the legislature to correct this situation. Vote 10-9.

Rep. Turner spoke against and yielded to questions.

Reps. MacGillivray and Arndt spoke in favor.

On a division vote, 211 members voting in the affirmative and 134 in the negative, the report was adopted.

**HB 647-FN-A-L**, relative to a centralized computer checklist of voters and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. Thomas Arnold, Jr. for Election Law: The committee recognized the benefits to be derived from a computerized state-wide checklist but found the anticipated cost to be an obstacle. Re-referral will provide the time for a thorough technical analysis and investigation as to whether or not the system can be self-supporting. Vote 15-2.

Adopted.

**HB 281**, relative to regulation of medical assistants. RE-REFER TO COMMITTEE

Rep. Andrew R. Peterson for Executive Departments and Administration: Although the committee felt this to be an important issue that requires the attention of the legislature, this bill does not address some of the committee's concerns. New Hampshire would be the first state to establish certification of medical assistants. Due to some of the issues raised by the sponsors and the public, the committee voted to re-refer to allow sufficient time to consider these issues. Vote 13-4. Adopted.

**HB 466-FN**, requiring administrative rules to be available to the public at the state library before they take effect. INEXPEDIENT TO LEGISLATE

Rep. Andrew R. Peterson for Executive Departments and Administration: Although the committee agreed with the intent of the bill to encourage that all rules be filed at the state library in a timely fashion, we found the requirements and penalties of the legislation to be too harsh. Costs of compliance by agencies is indeterminable inasmuch as there are more than 100 boards, commissions and agencies, the committee felt that the state library is already involved with filing of all rules, and electronic format (i.e. WEBSTER) is already being considered in other bills before the legislature this year. Vote 13-4.

Rep. Cobbin spoke against.

Rep. Peterson spoke in favor and yielded to questions.

Adopted.

**HB 223-FN-L**, providing that catastrophic aid for special education shall be fully funded. RE-REFER TO COMMITTEE

Rep. David J. Alukonis for Finance: The Committee believes that the rising costs of catastrophic aid, which are being experienced by local school districts, should be fully funded in accordance with promises previously made by the State of New Hampshire. However, the proper venue to consider this item is in the deliberations of the operating budget which the Finance Committee is currently undertaking. It should be noted that, in the Governor's Budget, this program has been fully funded in conformity with the forecasts made by the Department of Education. Additionally, the Department is currently examining the rationale for the recent escalation of catastrophic aid costs, and, in view of this effort, the Committee would like to re-refer this bill pending the results of the Department's Study. Vote 18-0.

Adopted.

**HB 288**, requiring a vote of 60 percent of the house and senate to pass any spending bill. INEXPEDIENT TO LEGISLATE

Rep. Arthur P. Klemm, Jr. for Finance: The Committee felt that both the House and the Finance Committee consider any spending bill very carefully and its impact on our existing revenues and expenditures before it is recommended for passage and that this bill would give the will of the minority control over the will of the majority and therefore the bill was found to be Inexpedient to Legislate. Vote 16-3.

Rep. Klemm yielded to questions.

Rep. Cobbin spoke against.

Rep. Jacobson spoke in favor.

Rep. Cobbin requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 326 NAYS 25**

**YEAS 326**

**BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Lawton, Robert  
Salatiello, Thomas

Boriso, Thomas  
Holbrook, Robert  
Pilliod, James  
Thomas, John

Boyce, Robert  
Hurt, George  
Rice, Thomas, Jr.  
Turner, Robert

Clark, Charles  
Lawton, David  
Rosen, Ralph  
Ziegler, Alice

**CARROLL**

|                        |                |                 |                   |
|------------------------|----------------|-----------------|-------------------|
| Babson, David, Jr.     | Bradley, Jeb   | Chandler, Gene  | Cooper, Kipp      |
| Dickinson, Howard, Jr. | Foster, Robert | Howard, Godfrey | Kenney, Joseph    |
| Lyman, L. Randy        | Mock, Henry    | Patten, Betsey  | Philbrick, Donald |

**CHESHIRE**

|                    |                    |                    |                     |
|--------------------|--------------------|--------------------|---------------------|
| Avery, Stephen     | Bonneau, Sarah     | Champagne, Richard | DePecol, Benjamin   |
| Doucette, Richard  | Hunt, John         | Lynch, Margaret    | Lynott, Margaret    |
| Manning, Joseph    | McGuirk, Paul      | McNamara, Wanda    | Meador, David       |
| Metzger, Katherine | Pratt, Irene       | Pratt, John        | Richardson, Barbara |
| Riley, William     | Robertson, Timothy | Royce, H. Charles  | Russell, Ronald     |
| Smith, Edwin       | Steere, Myron, III |                    |                     |

**COOS**

|                  |                 |                   |                  |
|------------------|-----------------|-------------------|------------------|
| Bradley, Paula   | Coulombe, Henry | Coulombe, Yvonne  | Davis, Perley    |
| Hawkinson, Marie | Horton, Lynn    | Mears, Edgar      | Merrill, Gerald  |
| Moynihn, Wayne   | Pratt, Leighton | St. Hilaire, Paul | Tholl, John, Jr. |

**GRAFTON**

|                    |                    |                  |                        |
|--------------------|--------------------|------------------|------------------------|
| Almy, Susan        | Below, Clifton     | Brown, Channing  | Chase, Paul, Jr.       |
| Copenhaver, Marion | Eaton, Stephanie   | Guest, Robert    | Hill, Richard          |
| Hinman, Harry      | LaMott, Paul       | Lovett, Sidney   | Luker, Elsa            |
| MacNeil, Allen     | Mirski, Paul       | Nordgren, Sharon | Phinney, William       |
| Root, John         | Teschner, Douglass | Trelfa, Richard  | Williams, William, Jr. |

**HILLSBOROUGH**

|                         |                       |                            |                     |
|-------------------------|-----------------------|----------------------------|---------------------|
| Ackerman, Philip        | Alukonis, David       | Amidon, Eleanor            | Arnold, Thomas, Jr. |
| Barry, William, III     | Batula, Peter         | Belvin, William            | Bergin, Peter       |
| Bernier, Shannon        | Boutin, David         | Brundige, Robert           | Calawa, Leon, Jr.   |
| Cardin, Lori            | Carlson, Donald       | Carney, Lauren             | Chabot, Robert      |
| Christiansen, Lars      | Clay, Susan           | Clemons, Jane              | Cote, Peter         |
| D'Allesandro, Lou       | Dawe, Eileen          | Desrosiers, William        | Dokmo, Cynthia      |
| Drabinowicz, A. Theresa | Durham, Susan         | Dwyer, Paul, Sr.           | Dyer, Merton        |
| Emerton, Lawrence, Sr.  | Fenton, James         | Ferguson, Charles          | Fields, Dennis      |
| Flora, Kathleen         | Foster, Joseph        | Foster, Linda              | Franks, Suzan       |
| Gage, Ruth              | Gagnon, Eugene        | Ginsburg, Ruth             | Golding, William    |
| Gosselin, Gerald        | Goulet, Maurice       | Haettenschwiller, Alphonse | Hall, Betty         |
| Hansen, Herbert         | Hart, Nick            | Herman, Keith              | Holden, Carol       |
| Holley, Sylvia          | Holt, David           | Hunter, Bruce              | Jean, Claudette     |
| Johnson, Lionel         | Kelley, Robert        | Kurk, Neal                 | L'Heureux, Robert   |
| LaRose, Richard         | Leishman, Peter       | Leonard, Peter             | Lessard, Rudy       |
| Letendre, Evelyn        | Lozeau, Donnalee      | Lynde, Harold              | MacAuslan, Rita     |
| MacGillivray, Jeffrey   | Marcinkowski, Michael | Martin, Mary               | McCarthy, William   |
| McCarty, Winston        | McDonald, James, Sr.  | McGough, Tim               | McRae, Karen        |
| Melcher, Harold         | Mercer, Robert        | Messier, Irene             | Milligan, Robert    |
| Mittelman, David        | Murphy, Robert        | O'Hearn, Jane              | O'Rourke, Thomas    |
| Perkins, Paul           | Peterson, Andrew      | Piteri, Dawn               | Reidy, Frank        |
| Sargent, Maxwell        | Searles, Stanley, Sr. | Thulander, O. Alan         | Turgeon, Roland     |
| Vaillancourt, Steve     | Welch, Donald         | Wheeler, Robert            | White, Donald       |
| White, Jay              | Wright, George        |                            |                     |

**MERRIMACK**

|                 |                    |                   |                    |
|-----------------|--------------------|-------------------|--------------------|
| Anderson, Eric  | Burney, Carol      | Chandler, Earle   | Colburn, Kathleen  |
| Colburn, Thomas | Crosby, Toni       | Daneault, Gabriel | DeStefano, Stephen |
| Dunn, Miriam    | Fraser, Marilyn    | French, Barbara   | Gile, Mary         |
| Hess, David     | Hoadley, Elizabeth | Jacobson, Alf     | Krueger, Patricia  |
| Lamach, Bernard | Leber, William     | Lockwood, Robert  | Marshall, Kenneth  |

Maxfield, Roy  
Owen, Derek  
Seldin, Gloria  
Whalley, Michael

Moore, Carol  
Pfaff, Terence  
St. Cyr, Gerard  
Whittemore, James

Morrill, Olive  
Reardon, Tara  
Wallin, Jean  
Yeaton, Charles

Nichols, Avis  
Rogers, Katherine  
Wallner, Mary Jane

## ROCKINGHAM

Abbott, Dennis  
Belanger, Ronald  
Case, Margaret  
Coes, Betsy  
Dearborn, Bruce  
Downing, Michael  
Flanders, David  
Gibbons, Paul  
Heath, John  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
McKinney, Betsy  
Norelli, Terie  
Raynowska, Bernard  
Schanda, Frank  
Syracusa, Anthony  
Verani, Giovanni  
Woods, Deborah

Aranda, M. Kathryn  
Bishop, Franklin  
Cegelis, Mark  
Cooney, Richard  
Dodge, Robert  
Dube, LeRoy  
Flanders, John, Sr.  
Gleason, John  
Henderson, Warren  
Katsakiores, Phyllis  
Langley, Jane  
Malcolm, Kenneth  
Micklon, Stephanie  
Nowe, Ronald  
Reardon, Neil  
Smith, Kevin  
Tufts, J. Arthur  
Weatherspoon, Jackie

Arndt, Janet  
Blanchard, MaryAnn  
Christie, Andrew, Jr.  
Cote, Patricia  
Dolan, Richard  
Fesh, Robert  
Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Rebecca  
Kelley, Jane  
Langone, John  
McCarthy, John, Jr.  
Mikowski, Walter  
Packard, Sherman  
Rubin, George  
Stickney, Nancy  
Varrell, Thomas  
Welch, David

Battles-Peirce, Marjorie  
Carson, Gregory  
Clark, Martha  
Cushing, Robert  
Dowling, Patricia  
Flanagan, Natalie  
Frechette, Joseph  
Guthrie, Joseph  
Johnson, Robert  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McGovern, Cynthia  
Millard, Ralph  
Pantelakos, Laura  
Sabella, Norma  
Stritch, C. Donald  
Vaughn, Charles  
Weyler, Kenneth

## STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Musler, George  
Smith, Marjorie  
Torr, Ann  
Vachon, Dennis

Bickford, David  
Estabrook, Iris  
Kaen, Naida  
McKinley, Robert  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Tsiros, William

DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Merritt, Deborah  
Rollo, Michael  
Taylor, Kathleen  
Twardus, Joseph

## SULLIVAN

Adler, Rudolf  
Ferland, Brenda  
Leone, Richard

Allison, David  
Flint, Gordon  
Lindblade, Eric

Cloutier, John  
Kibbey, David  
Schotanus, Merle

Donovan, Thomas  
Krueger, Richard  
Wiggins, Celestine

## NAYS 25

## BELKNAP

Veazey, John

None

None

None

## CARROLL

## CHESHIRE

## COOS

## GRAFTON

Akins, Ralph

Alger, John

Cobbin, Philip

Weber, Phil

**HILLSBOROUGH**

Buckley, Raymond  
Daniels, Gary  
Pepino, Leo

Burke, M. Virginia  
Jean, Loren  
Riley, Frances

Clegg, Robert, Jr.  
Lefebvre, Roland  
Williams, Carol

Daigle, Robert  
Luebker, Bernard

**MERRIMACK**

Adams, Stephen

Brown, Mary

Langer, Ray

Larrabee, David

**ROCKINGHAM**

Beaulieu, Jon  
Noyes, Richard

Camm, Kevin

Dunham, Vivian

Morris, Debbie

**STRAFFORD**

None

**SULLIVAN**

None

and the report was adopted.

Reps. McCann and Simmons did not vote and wished to be recorded in favor.

**HB 719-FN-A**, increasing the number of state troopers and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Mary E. Brown for Finance: The committee felt that it would be more prudent to postpone any decision to add state troopers until the Department of Safety's complete budget is reviewed. If more troopers are found to be needed, they can be added during the budgeting process. Also, the manner in which the bill is drafted would result in complete funding for these additional state troopers from general funds. It was agreed that funding would be more appropriate from the high-way funds. Vote 17-2.

Adopted.

**HB 582-FN**, relative to medicaid rate setting. **OUGHT TO PASS**

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: The Committee affirms the necessity of updating medicaid reimbursement rates for home health services and setting a new method of reimbursement to those who deliver all services to the elderly and chronically ill enabling them to stay at home. Vote 15-0.

Adopted and referred to Finance.

**HB 722-FN**, opting the state out of a provision of federal law relating to benefits for persons convicted of drug-related offenses. **OUGHT TO PASS**

Rep. Joseph A. Guthrie for Health, Human Services and Elderly Affairs: The passage of this bill will allow the State to provide benefits to persons convicted of drug related offenses. The result will be to assure that benefit will be provided to such persons and their families without down-shifting the cost to the cities and towns. Vote 15-0.

Adopted and ordered to third reading.

**RECESS****(Speaker Sytek in the Chair)**

**CACR 17**, relating to the appointment of supreme, superior, and probate court judges. Providing that supreme, superior, and probate court judges be appointed for specified terms. **INEXPEDIENT TO LEGISLATE**

Rep. Carol H. Holden for Judiciary and Family Law: This CACR, if adopted, would require that supreme, superior, and probate judges be appointed for an initial term of 10 years with option to be reappointed for one subsequent 10-year term. The age limitation of 70 years for judges was adopted by the people after the 1791 Constitutional Convention. In 1851, the people rejected proposals that would have removed the age limitations and called for the election of judges. Subsequent constitutional conventions and legislatures have also considered, but failed to adopt, amend-

ments dealing with judicial tenure. In 1966, the voters adopted an amendment that established independent constitutional courts to keep the courts free from political interference. The committee felt that extreme caution should be exercised in politicizing the judiciary. Vote 9-3. Adopted.

**HB 218-L**, clarifying that local health officers are state employees for purposes of defense and indemnification of lawsuits filed against them. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas M. Colburn for Judiciary and Family Law: The committee determined that there were sufficient provisions in RSA 99-D:2 to cover the concerns this bill sought to address, and that health officers are currently covered by the state for official state duties. Vote 12-1. Adopted.

**HB 260**, defining "marriage" to mean a legal union between one man and one woman as husband and wife. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Sandra B. Keans for the Majority of Judiciary and Family Law: This bill has constitutional problems as written. Also, RSA:457 already prohibits marriage between a man and a man and a woman and a woman. There is confusion about what would happen if other states allowed those types of marriages. The answer is nothing. Right now, if two 13 year olds go to Mississippi and get married, it would not be recognized under New Hampshire law and would continue to be illegal. There is no way New Hampshire laws could be impacted without a federal court decision. Further, the sponsor said the purpose of marriage should be defined around children. The committee disagreed because there are many childless marriages, some by chance, and some by choice. Vote 13-3.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: Evolutions in birth control, family planning advocacy and family planning techniques have served to free marriage from the virtually certain expectation of children. The primary benefit has been the liberation of women from traditional marital and maternal roles. The inadvertent cultural effect however, has been to cause the redefinition of the institution of marriage in a manner which primarily serves narcissistic and self indulgent adult interests rather than the interests and needs of children. Divorce rates and contemporary same-sex "marriage" issues reflect this change. Virtually all contemporary research on the subject of the welfare of children raised in single parent households indicates they suffer a significantly greater propensity toward emotional maladjustment, poor academic achievement, anti-social and criminal behavior, sexual promiscuity and out-of-wedlock births than children raised in a traditional nuclear family environment with both biological parents present. We presently face a children's crisis of national proportions. Reassertion of the traditional cultural definition of marriage as the legal union between a man and a woman is perhaps the most important first step we can take to begin to protect and repair the American family.

Rep. Mirski requested a Quorum Count.

The Speaker declared a quorum present.

Rep. Mirski spoke against and yielded to questions.

Rep. Sabella spoke in favor.

Rep. Adams spoke against.

Rep. Keans spoke in favor and yielded to questions.

Rep. Adams requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 261 NAYS 85

### YEAS 261

#### BELKNAP

Bartlett, Gordon  
Hurt, George  
Turner, Robert

Clark, Charles  
Lawton, Robert  
Ziegler, Alice

Golden, Paul  
Salatiello, Thomas

Holbrook, Robert  
Thomas, John

#### CARROLL

Chandler, Gene  
Lyman, L. Randy  
Philbrick, Donald

Cooper, Kipp  
MacDonald, Kenneth

Dickinson, Howard, Jr.  
Mock, Henry

Foster, Robert  
Patten, Betsey

**CHESHIRE**

|                    |                   |                     |                   |
|--------------------|-------------------|---------------------|-------------------|
| Avery, Stephen     | Bonneau, Sarah    | Champagne, Richard  | DePecol, Benjamin |
| Doucette, Richard  | Hunt, John        | Lynch, Margaret     | Lynott, Margaret  |
| Manning, Joseph    | McGuirk, Paul     | McNamara, Wanda     | Meador, David     |
| Metzger, Katherine | Pratt, John       | Richardson, Barbara | Riley, William    |
| Robertson, Timothy | Royce, H. Charles | Russell, Ronald     | Smith, Edwin      |

**COOS**

|                  |                   |                  |                 |
|------------------|-------------------|------------------|-----------------|
| Bradley, Paula   | Coulombe, Henry   | Coulombe, Yvonne | Davis, Perley   |
| Hawkinson, Marie | Horton, Lynn      | Mears, Edgar     | Moynihan, Wayne |
| Pratt, Leighton  | St. Hilaire, Paul | Tholl, John, Jr. |                 |

**GRAFTON**

|                  |                        |                  |                |
|------------------|------------------------|------------------|----------------|
| Akins, Ralph     | Alger, John            | Almy, Susan      | Below, Clifton |
| Brown, Channing  | Copenhaver, Marion     | Eaton, Stephanie | Guest, Robert  |
| Hill, Richard    | LaMott, Paul           | Luker, Elsa      | MacNeil, Allen |
| Nordgren, Sharon | Williams, William, Jr. |                  |                |

**HILLSBOROUGH**

|                            |                     |                       |                         |
|----------------------------|---------------------|-----------------------|-------------------------|
| Ackerman, Philip           | Alukonis, David     | Amidon, Eleanor       | Barry, William, III     |
| Belvin, William            | Bergin, Peter       | Bernier, Shannon      | Brundige, Robert        |
| Buckley, Raymond           | Calawa, Leon, Jr.   | Cardin, Lori          | Carlson, Donald         |
| Carney, Lauren             | Chabot, Robert      | Christiansen, Lars    | Clay, Susan             |
| Clemons, Jane              | Cote, Peter         | D'Allesandro, Lou     | Daigle, Robert          |
| Dawe, Eileen               | Desrosiers, William | Dokmo, Cynthia        | Drabinowicz, A. Theresa |
| Durham, Susan              | Dwyer, Paul, Sr.    | Dyer, Merton          | Emerton, Lawrence, Sr.  |
| Fenton, James              | Ferguson, Charles   | Fields, Dennis        | Flora, Kathleen         |
| Foster, Joseph             | Foster, Linda       | Franks, Suzan         | Gage, Ruth              |
| Gagnon, Eugene             | Ginsburg, Ruth      | Gosselin, Gerald      | Goulet, Maurice         |
| Haettenschwiller, Alphonse | Haley, Robert       | Hall, Betty           | Hansen, Herbert         |
| Hart, Nick                 | Holden, Carol       | Hunter, Bruce         | Jean, Claudette         |
| Johnson, Lionel            | Kelley, Robert      | Kurk, Neal            | Lefebvre, Roland        |
| Leishman, Peter            | Leonard, Peter      | Lessard, Rudy         | Lozeau, Donnalee        |
| Lynde, Harold              | MacAuslan, Rita     | Martin, Mary          | McCarty, Winston        |
| McGough, Tim               | McRae, Karen        | Melcher, Harold       | Mercer, Robert          |
| Messier, Irene             | Milligan, Robert    | Murphy, Robert        | O'Hearn, Jane           |
| O'Rourke, Thomas           | Pepino, Leo         | Perkins, Paul         | Peterson, Andrew        |
| Reidy, Frank               | Sargent, Maxwell    | Searles, Stanley, Sr. | Turgeon, Roland         |
| Vaillancourt, Steve        | Welch, Donald       | Wheeler, Robert       | White, Jay              |
| Williams, Carol            |                     |                       |                         |

**MERRIMACK**

|                   |                 |                    |                  |
|-------------------|-----------------|--------------------|------------------|
| Anderson, Eric    | Burney, Carol   | Chandler, Earle    | Crosby, Toni     |
| Daneault, Gabriel | Dunn, Miriam    | Fraser, Marilyn    | French, Barbara  |
| Gile, Mary        | Hess, David     | Jacobson, Alf      | Lockwood, Robert |
| Maxfield, Roy     | Moore, Carol    | Morrill, Olive     | Nichols, Avis    |
| Owen, Derek       | Pfaff, Terence  | Reardon, Tara      | Seldin, Gloria   |
| St. Cyr, Gerard   | Wallin, Jean    | Wallner, Mary Jane | Whalley, Michael |
| Whittemore, James | Yeaton, Charles |                    |                  |

**ROCKINGHAM**

|                   |                          |                     |                     |
|-------------------|--------------------------|---------------------|---------------------|
| Abbott, Dennis    | Battles-Peirce, Marjorie | Belanger, Ronald    | Blanchard, MaryAnn  |
| Carson, Gregory   | Case, Margaret           | Clark, Martha       | Coës, Betsy         |
| Cote, Patricia    | Cushing, Robert          | Downing, Michael    | Dube, LeRoy         |
| Fesh, Robert      | Flanagan, Natalie        | Flanders, John, Sr. | Franceour, Sheila   |
| Frechette, Joseph | Gleason, John            | Guthrie, Joseph     | Heath, John         |
| Henderson, Warren | Hutchinson, Rebecca      | Johnson, Robert     | Katsakiores, George |

Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy  
Packard, Sherman  
Sabella, Norma  
Tufts, J. Arthur  
Woods, Deborah

Kelley, Jane  
Major, Norman  
Micklon, Stephanie  
Pantelakos, Laura  
Stone, Joseph  
Vaughn, Charles

Klemm, Arthur, Jr.  
McCarthy, John, Jr.  
Norelli, Terie  
Reardon, Neil  
Stritch, C. Donald  
Weatherspoon, Jackie

Kobel, Rudolph  
McGovern, Cynthia  
Nowe, Ronald  
Rubin, George  
Syracusa, Anthony  
Welch, David

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hemon, Roland  
Lundborn, Raymond  
Musler, George  
Smith, Marjorie  
Torr, Ann  
Vachon, Dennis

Bickford, David  
Dunlap, Patricia  
Hilliard, Dana  
McCann, William, Jr.  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

Brown, Julie  
Estabrook, Iris  
Kaen, Naida  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Tsiros, William

Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Merritt, Deborah  
Rollo, Michael  
Taylor, Kathleen  
Twardus, Joseph

### SULLIVAN

Allison, David  
Flint, Gordon  
Lindblade, Eric

Burling, Peter  
Kibbey, David  
Schotanus, Merle

Cloutier, John  
Krueger, Richard  
Wiggins, Celestine

Ferland, Brenda  
Leone, Richard

### NAYS 85

### BELKNAP

Boriso, Thomas

Boyce, Robert

Rice, Thomas, Jr.

Rosen, Ralph

### CARROLL

Babson, David, Jr.

Bradley, Jeb

Howard, Godfrey

Kenney, Joseph

### CHESHIRE

Steere, Myron, III

### COOS

Merrill, Gerald

### GRAFTON

Chase, Paul, Jr.  
Mirski, Paul  
Trelfa, Richard

Cobbin, Philip  
Phinney, William  
Weber, Phil

Hinman, Harry  
Root, John

Lovett, Sidney  
Teschner, Douglass

### HILLSBOROUGH

Arnold, Thomas, Jr.  
Clegg, Robert, Jr.  
Holley, Sylvia  
Letendre, Evelyn  
McDonald, James, Sr.  
Riley, Frances

Batula, Peter  
Daniels, Gary  
Jean, Loren  
Luebker, Bernard  
Mittelman, David  
Thulander, O. Alan

Boutin, David  
Golding, William  
L'Heureux, Robert  
MacGillivray, Jeffrey  
Murch, George  
White, Donald

Burke, M. Virginia  
Herman, Keith  
LaRose, Richard  
Marcinkowski, Michael  
Piteri, Dawn  
Wright, George

### MERRIMACK

Adams, Stephen  
Crowell, Peter  
Lamach, Bernard  
Marshall, Kenneth

Brown, Mary  
DeStefano, Stephen  
Langer, Ray

Colburn, Kathleen  
Hoadley, Elizabeth  
Larrabee, David

Colburn, Thomas  
Krueger, Patricia  
Leber, William

### ROCKINGHAM

Aranda, M. Kathryn  
Camm, Kevin

Arndt, Janet  
Cegelis, Mark

Beaulieu, Jon  
Cooney, Richard

Bishop, Franklin  
Dearborn, Bruce

Dodge, Robert  
Langley, Jane  
Millard, Ralph  
Simmons, John Anthony  
Weyler, Kenneth

Dunham, Vivian  
Letourneau, Robert  
Moore, Benjamin  
Smith, Kevin

Gibbons, Paul  
Malcolm, Kenneth  
Morris, Debbie  
Stickney, Nancy

Griffin, Mary  
Mikowski, Walter  
Raynowska, Bernard  
Varrell, Thomas

## STRAFFORD

Pelletier, Marsha

## SULLIVAN

Adler, Rudolf

Donovan, Thomas

and the report was adopted.

Rep. David Lawton did not vote and wished to be recorded against.

**HB 431**, relative to the appointment of attorneys and guardians ad litem, and eliminating certain de novo hearings under certain laws related to child protection. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Barbara Hull Richardson for the Majority of Judiciary and Family Law: This bill brings the child protection laws into compliance with all other juvenile laws by eliminating de novo hearings. This bill also provides for appeals to the supreme court in cases involving child abuse and neglect and children in need of services, and outlines services which are to be provided by counsel for delinquent children. Vote 14-1.

Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: Removing the right to de novo hearings in Superior Court - forcing all appeals to the Supreme Court - further erodes the rights of New Hampshire citizens to the fair and accurate adjudication of their interests which the de novo appeals process presently provides.

Majority report adopted and ordered to third reading.

**HB 666-FN-L**, relative to binding interest arbitration for law enforcement and firefighter contracts. INEXPEDIENT TO LEGISLATE

Rep. Roy D. Maxfield for Labor, Industrial and Rehabilitative Services: Forcing cities and towns to agree to binding arbitration on all labor issues including benefits and wages would interfere with local control and mandate expenses which a municipality may legally choose not to undertake (28-A violation). Current law allows for independent fact finding relief to settle labor disputes for fire and police unions. The committee listened to testimony supporting the bill from police and fire union representatives primarily concerned with the labor impasse in Manchester. The NH Municipal Association and police chiefs from three communities across the state spoke in opposition to the bill. Vote 6-4.

Adopted.

## RECONSIDERATION

Having voted with the prevailing side, Rep. Gibbons moved that the House reconsider its action whereby it adopted the committee report on **HB 666**, relative to binding interest arbitration for law enforcement and firefighter contracts and spoke in favor.

Rep. Daniels spoke against.

Rep. Burling spoke in favor.

Rep. Cobbin requested a roll call; not sufficiently seconded.

On a division vote, 213 members having voted in the affirmative and 116 in the negative, reconsideration prevailed and the question was the adoption of the Committee report.

Rep. Gibbons spoke against and yielded to questions.

Rep. Daniels spoke in favor and yielded to questions.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 233 NAYS 114****YEAS 233****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James  
Turner, Robert

Boyce, Robert  
Hurt, George  
Rice, Thomas, Jr.  
Ziegler, Alice

Clark, Charles  
Lawton, David  
Rosen, Ralph

Golden, Paul  
Lawton, Robert  
Thomas, John

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Meader, David  
Steere, Myron, III

Hunt, John  
Metzger, Katherine

Lynott, Margaret  
Royce, H. Charles

Manning, Joseph  
Smith, Edwin

**COOS**

Davis, Perley  
St. Hilaire, Paul

Horton, Lynn  
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
MacNeil, Allen  
Teschner, Douglass

Alger, John  
Hill, Richard  
Mirski, Paul  
Trelfa, Richard

Brown, Channing  
Hinman, Harry  
Phinney, William  
Williams, William, Jr.

Chase, Paul, Jr.  
LaMott, Paul  
Root, John

**HILLSBOROUGH**

Ackerman, Philip  
Batula, Peter  
Burke, M. Virginia  
Chabot, Robert  
Clemons, Jane  
Dokmo, Cynthia  
Fenton, James  
Foster, Linda  
Golding, William  
Herman, Keith  
Jean, Loren  
L'Heureux, Robert  
Lessard, Rudy  
MacAuslan, Rita  
McCarty, Winston  
Mercer, Robert  
O'Hearn, Jane  
Piteri, Dawn  
Thulander, O. Alan  
Wright, George

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr.  
Christiansen, Lars  
Daniels, Gary  
Durham, Susan  
Ferguson, Charles  
Franks, Suzan  
Gosselin, Gerald  
Holden, Carol  
Johnson, Lionel  
LaRose, Richard  
Letendre, Evelyn  
MacGillivray, Jeffrey  
McGough, Tim  
Milligan, Robert  
Pepino, Leo  
Riley, Frances  
Wheeler, Robert

Amidon, Eleanor  
Bergin, Peter  
Carlson, Donald  
Clay, Susan  
Dawe, Eileen  
Dyer, Merton  
Fields, Dennis  
Gagnon, Eugene  
Goulet, Maurice  
Holley, Sylvia  
Kelley, Robert  
Lefebvre, Roland  
Lozeau, Donnalee  
Marcinkowski, Michael  
McRae, Karen  
Mittelman, David  
Perkins, Paul  
Sargent, Maxwell  
White, Donald

Arnold, Thomas, Jr.  
Brundige, Robert  
Carney, Lauren  
Clegg, Robert, Jr.  
Desrosiers, William  
Emerton, Lawrence, Sr.  
Flora, Kathleen  
Ginsburg, Ruth  
Hansen, Herbert  
Hunter, Bruce  
Kurk, Neal  
Leishman, Peter  
Luebckert, Bernard  
Martin, Mary  
Melcher, Harold  
Murch, George  
Peterson, Andrew  
Searles, Stanley, Sr.  
White, Jay

**MERRIMACK**

Adams, Stephen  
Colburn, Thomas  
Fraser, Marilyn

Anderson, Eric  
Crowell, Peter  
Hess, David

Brown, Mary  
Daneault, Gabriel  
Hoadley, Elizabeth

Chandler, Earle  
DeStefano, Stephen  
Jacobson, Alf

Krueger, Patricia  
Leber, William  
Morrill, Olive

Lamach, Bernard  
Lockwood, Robert  
Nichols, Avis

Langer, Ray  
Marshall, Kenneth  
Whalley, Michael

Larrabee, David  
Maxfield, Roy  
Whittemore, James

### ROCKINGHAM

Aranda, M. Kathryn  
Belanger, Ronald  
Carson, Gregory  
Coes, Betsy  
Dube, LeRoy  
Flanders, John, Sr.  
Griffin, Mary  
Johnson, Robert  
Langley, Jane  
McCarthy, John, Jr.  
Morris, Debbie  
Raynowska, Bernard  
Smith, Kevin  
Syracusa, Anthony  
Welch, David

Arndt, Janet  
Bishop, Franklin  
Case, Margaret  
Cote, Patricia  
Dunham, Vivian  
Francoeur, Sheila  
Guthrie, Joseph  
Katsakiores, George  
Letourneau, Robert  
McKinney, Betsy  
Nowe, Ronald  
Reardon, Neil  
Stickney, Nancy  
Tufts, J. Arthur  
Weyler, Kenneth

Battles-Peirce, Marjorie  
Blanchard, MaryAnn  
Cegelis, Mark  
Dearborn, Bruce  
Fesh, Robert  
Frechette, Joseph  
Heath, John  
Klemm, Arthur, Jr.  
Major, Norman  
Mikowski, Walter  
Noyes, Richard  
Rubin, George  
Stone, Joseph  
Varrell, Thomas  
Woods, Deborah

Beaulieu, Jon  
Camm, Kevin  
Christie, Andrew, Jr.  
Dodge, Robert  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Kobel, Rudolph  
Malcolm, Kenneth  
Moore, Benjamin  
Packard, Sherman  
Simmons, John Anthony  
Stritch, C. Donald  
Vaughn, Charles

### STRAFFORD

Brown, Julie  
McKinley, Robert  
Torr, Franklin

Dunlap, Patricia  
Musler, George  
Tsiros, William

Kaen, Naida  
Smith, Marjorie  
Twardus, Joseph

Keans, Sandra  
Snyder, Clair

### SULLIVAN

Adler, Rudolf  
Schotanus, Merle

Flint, Gordon

Kibbey, David

Krueger, Richard

### NAYS 114

### BELKNAP

Boriso, Thomas

Salatiello, Thomas

### CARROLL

None

### CHESHIRE

Bonneau, Sarah  
Lynch, Margaret  
Riley, William

Champagne, Richard  
McGuirk, Paul  
Robertson, Timothy

DePecol, Benjamin  
Pratt, John  
Russell, Ronald

Doucette, Richard  
Richardson, Barbara

### COOS

Bradley, Paula  
Mears, Edgar

Coulombe, Henry  
Moynihan, Wayne

Coulombe, Yvonne

Hawkinson, Marie

### GRAFTON

Almy, Susan  
Lovett, Sidney

Below, Clifton  
Luker, Elsa

Copenhaver, Marion  
Nordgren, Sharon

Guest, Robert

### HILLSBOROUGH

Baroody, Benjamin  
Buckley, Raymond  
Daigle, Robert  
Gage, Ruth  
Hart, Nick

Barry, William, III  
Cardin, Lori  
Drabinowicz, A. Theresa  
Haettenschwiller, Alphonse  
Jean, Claudette

Bernier, Shannon  
Cote, Peter  
Dwyer, Paul, Sr.  
Haley, Robert  
Leonard, Peter

Boutin, David  
D'Allesandro, Lou  
Foster, Joseph  
Hall, Betty  
Lynde, Harold

McCarthy, William  
O'Rourke, Thomas  
Welch, Donald

McDonald, James, Sr.  
Reidy, Frank  
Williams, Carol

Messier, Irene  
Turgeon, Roland

Murphy, Robert  
Vaillancourt, Steve

### MERRIMACK

Burney, Carol  
Gile, Mary  
Seldin, Gloria  
Yeaton, Charles

Crosby, Toni  
Moore, Carol  
St. Cyr, Gerard

Dunn, Miriam  
Owen, Derek  
Wallin, Jean

French, Barbara  
Reardon, Tara  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Downing, Michael  
Kelley, Jane  
Millard, Ralph  
Schanda, Frank

Clark, Martha  
Gibbons, Paul  
Langone, John  
Norelli, Terie  
Weatherspoon, Jackie

Cooney, Richard  
Hutchinson, Rebecca  
McGovern, Cynthia  
Pantelakos, Laura

Cushing, Robert  
Katsakiores, Phyllis  
Micklon, Stephanie  
Sabella, Norma

### STRAFFORD

Berube, Roger  
Grassie, Anne  
McCann, William, Jr.  
Pelletier, Marsha  
Torr, Ann

Callaghan, Frank  
Hemon, Roland  
Merrill, Amanda  
Rogers, Rose Marie  
Vachon, Dennis

DeChane, Marlene  
Hilliard, Dana  
Merritt, Deborah  
Rollo, Michael  
Wall, Janet

Estabrook, Iris  
Lundborn, Raymond  
Pelletier, Arthur  
Sullivan, Henry

### SULLIVAN

Allison, David  
Ferland, Brenda

Burling, Peter  
Leone, Richard

Cloutier, John  
Lindblade, Eric

Donovan, Thomas  
Wiggins, Celestine

and the report was adopted.

Rep. Pfaff declared a conflict of interest and did not participate.

**HB 169**, prohibiting former state legislators from serving as lobbyists for 2 years after leaving the legislature. **OUGHT TO PASS**

Rep. Warren C. Henderson for Legislative Administration: It is a widely-held belief that a citizen legislature should be made up of ordinary people who come from all walks of life, serve in elected office for a period of time, and then return home to live under the laws they helped create. This fundamental is undermined by the "revolving door" which currently permits members to go directly from serving in the legislature to leveraging their contacts and knowledge as a paid lobbyist before the legislature.

Imposing a simple two-year "cooling off period" before a legislator may become a paid lobbyist will help to discourage any member from even considering trying to position themselves as a legislator in a way which would increase their marketability as a lobbyist. Further, imposing such a restriction will strongly convey to the public our conviction to do the right things, and to do them only for the right reasons. As legislators we strive to represent the public good from our respective points of view. Adoption of this 2-year moratorium on becoming a paid lobbyist is consistent with this principle. Vote 11-3.

Reps. Cobbin, Dickinson and DePecol spoke against.

Reps. Carson and Burling spoke in favor and yielded to questions.

Rep. Henderson spoke in favor.

Rep. Boutin requested a Quorum Count.

The Speaker declared a quorum present.

Rep. Hess requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 231 NAYS 112****YEAS 231****BELKNAP**

|               |                    |                |                  |
|---------------|--------------------|----------------|------------------|
| Boyce, Robert | Clark, Charles     | Golden, Paul   | Holbrook, Robert |
| Hurt, George  | Lawton, David      | Lawton, Robert | Pilliod, James   |
| Rosen, Ralph  | Salatiello, Thomas | Thomas, John   | Ziegler, Alice   |

**CARROLL**

|                    |                 |                |                 |
|--------------------|-----------------|----------------|-----------------|
| Babson, David, Jr. | Bradley, Jeb    | Foster, Robert | Howard, Godfrey |
| Kenney, Joseph     | Lyman, L. Randy | Mock, Henry    | Patten, Betsey  |

**CHESHIRE**

|                   |                    |                     |                 |
|-------------------|--------------------|---------------------|-----------------|
| Avery, Stephen    | Bonneau, Sarah     | Hunt, John          | Manning, Joseph |
| Meador, David     | Metzger, Katherine | Richardson, Barbara | Riley, William  |
| Royce, H. Charles | Smith, Edwin       | Steere, Myron, III  |                 |

**COOS**

|                 |                  |                  |                 |
|-----------------|------------------|------------------|-----------------|
| Bradley, Paula  | Davis, Perley    | Hawkinson, Marie | Moynihan, Wayne |
| Pratt, Leighton | Tholl, John, Jr. |                  |                 |

**GRAFTON**

|                    |                    |                        |                  |
|--------------------|--------------------|------------------------|------------------|
| Akins, Ralph       | Alger, John        | Almy, Susan            | Below, Clifton   |
| Brown, Channing    | Copenhaver, Marion | Guest, Robert          | Hill, Richard    |
| Hinman, Harry      | Lovett, Sidney     | Luker, Elsa            | Nordgren, Sharon |
| Teschner, Douglass | Weber, Phil        | Williams, William, Jr. |                  |

**HILLSBOROUGH**

|                        |                         |                            |                       |
|------------------------|-------------------------|----------------------------|-----------------------|
| Ackerman, Philip       | Amidon, Eleanor         | Arnold, Thomas, Jr.        | Barry, William, III   |
| Batula, Peter          | Belvin, William         | Bergin, Peter              | Bernier, Shannon      |
| Boutin, David          | Brundige, Robert        | Burke, M. Virginia         | Calawa, Leon, Jr.     |
| Carlson, Donald        | Carney, Lauren          | Chabot, Robert             | Christiansen, Lars    |
| Clay, Susan            | Daniels, Gary           | Dawe, Eileen               | Desrosiers, William   |
| Dokmo, Cynthia         | Drabinowicz, A. Theresa | Durham, Susan              | Dyer, Merton          |
| Emerton, Lawrence, Sr. | Fenton, James           | Fields, Dennis             | Flora, Kathleen       |
| Foster, Joseph         | Foster, Linda           | Gage, Ruth                 | Gagnon, Eugene        |
| Ginsburg, Ruth         | Golding, William        | Haettenschwiller, Alphonse | Haley, Robert         |
| Hall, Betty            | Hansen, Herbert         | Herman, Keith              | Holden, Carol         |
| Hunter, Bruce          | Jean, Claudette         | Johnson, Lionel            | Kelley, Robert        |
| Kurk, Neal             | L'Heureux, Robert       | LaRose, Richard            | Lefebvre, Roland      |
| Leishman, Peter        | Lessard, Rudy           | Letendre, Evelyn           | Lozeau, Donnalee      |
| Luebker, Bernard       | Lynde, Harold           | MacAuslan, Rita            | MacGillivray, Jeffrey |
| Marcinkowski, Michael  | McCarthy, William       | McCarty, Winston           | McGough, Tim          |
| Melcher, Harold        | Mercer, Robert          | Messier, Irene             | Milligan, Robert      |
| Mittelman, David       | Murch, George           | O'Hearn, Jane              | O'Rourke, Thomas      |
| Peterson, Andrew       | Piteri, Dawn            | Sargent, Maxwell           | Searles, Stanley, Sr. |
| Thulander, O. Alan     | Vaillancourt, Steve     | Welch, Donald              | Wheeler, Robert       |
| White, Donald          | Wright, George          |                            |                       |

**MERRIMACK**

|                   |                    |                 |                   |
|-------------------|--------------------|-----------------|-------------------|
| Adams, Stephen    | Anderson, Eric     | Brown, Mary     | Burney, Carol     |
| Chandler, Earle   | Colburn, Thomas    | Crosby, Toni    | Crowell, Peter    |
| Daneault, Gabriel | DeStefano, Stephen | French, Barbara | Gile, Mary        |
| Hess, David       | Hoadley, Elizabeth | Jacobson, Alf   | Lamach, Bernard   |
| Langer, Ray       | Larrabee, David    | Leber, William  | Marshall, Kenneth |
| Moore, Carol      | Morrill, Olive     | Seldin, Gloria  | St. Cyr, Gerard   |
| Whittemore, James | Yeaton, Charles    |                 |                   |

**ROCKINGHAM**

|                       |                    |                      |                          |
|-----------------------|--------------------|----------------------|--------------------------|
| Abbott, Dennis        | Aranda, M. Kathryn | Arndt, Janet         | Battles-Peirce, Marjorie |
| Beaulieu, Jon         | Belanger, Ronald   | Carson, Gregory      | Case, Margaret           |
| Christie, Andrew, Jr. | Coes, Betsy        | Cooney, Richard      | Cote, Patricia           |
| Dearborn, Bruce       | Downing, Michael   | Dunham, Vivian       | Flanders, John, Sr.      |
| Francoeur, Sheila     | Frechette, Joseph  | Gibbons, Paul        | Gleason, John            |
| Griffin, Mary         | Guthrie, Joseph    | Heath, John          | Henderson, Warren        |
| Hutchinson, Rebecca   | Johnson, Robert    | Kelley, Jane         | Kobel, Rudolph           |
| Langone, John         | Letourneau, Robert | Malcolm, Kenneth     | McCarthy, John, Jr.      |
| Micklon, Stephanie    | Mikowski, Walter   | Millard, Ralph       | Moore, Benjamin          |
| Nowe, Ronald          | Noyes, Richard     | Packard, Sherman     | Pantelakos, Laura        |
| Reardon, Neil         | Sabella, Norma     | Schanda, Frank       | Simmons, John Anthony    |
| Smith, Kevin          | Stickney, Nancy    | Syracusa, Anthony    | Tufts, J. Arthur         |
| Varrell, Thomas       | Vaughn, Charles    | Weatherspoon, Jackie | Welch, David             |
| Weyler, Kenneth       | Woods, Deborah     |                      |                          |

**STRAFFORD**

|                 |                  |                    |                 |
|-----------------|------------------|--------------------|-----------------|
| Brown, Julie    | Callaghan, Frank | Estabrook, Iris    | Grassie, Anne   |
| Merrill, Amanda | Musler, George   | Rogers, Rose Marie | Smith, Marjorie |
| Snyder, Clair   | Tsiros, William  | Twardus, Joseph    |                 |

**SULLIVAN**

|                 |                    |                  |                |
|-----------------|--------------------|------------------|----------------|
| Adler, Rudolf   | Allison, David     | Burling, Peter   | Cloutier, John |
| Ferland, Brenda | Flint, Gordon      | Krueger, Richard | Leone, Richard |
| Lindblade, Eric | Wiggins, Celestine |                  |                |

**NAYS 112****BELKNAP**

|                  |                   |                |
|------------------|-------------------|----------------|
| Bartlett, Gordon | Rice, Thomas, Jr. | Turner, Robert |
|------------------|-------------------|----------------|

**CARROLL**

|              |                        |                    |                   |
|--------------|------------------------|--------------------|-------------------|
| Cooper, Kipp | Dickinson, Howard, Jr. | MacDonald, Kenneth | Philbrick, Donald |
|--------------|------------------------|--------------------|-------------------|

**CHESHIRE**

|                    |                   |                   |                    |
|--------------------|-------------------|-------------------|--------------------|
| Champagne, Richard | DePecol, Benjamin | Doucette, Richard | Lynch, Margaret    |
| Lynott, Margaret   | McGuirk, Paul     | Pratt, John       | Robertson, Timothy |
| Russell, Ronald    |                   |                   |                    |

**COOS**

|                 |                   |              |              |
|-----------------|-------------------|--------------|--------------|
| Coulombe, Henry | Coulombe, Yvonne  | Horton, Lynn | Mears, Edgar |
| Merrill, Gerald | St. Hilaire, Paul |              |              |

**GRAFTON**

|                |              |              |                  |
|----------------|--------------|--------------|------------------|
| Cobbin, Philip | LaMott, Paul | Mirski, Paul | Phinney, William |
| Root, John     |              |              |                  |

**HILLSBOROUGH**

|                    |                   |                   |                      |
|--------------------|-------------------|-------------------|----------------------|
| Alukonis, David    | Baroody, Benjamin | Buckley, Raymond  | Cardin, Lori         |
| Clegg, Robert, Jr. | Clemons, Jane     | Cote, Peter       | D'Allesandro, Lou    |
| Daigle, Robert     | Dwyer, Paul, Sr.  | Ferguson, Charles | Franks, Suzan        |
| Gosselin, Gerald   | Goulet, Maurice   | Hart, Nick        | Holley, Sylvia       |
| Jean, Loren        | Leonard, Peter    | Martin, Mary      | McDonald, James, Sr. |
| McRae, Karen       | Murphy, Robert    | Pepino, Leo       | Perkins, Paul        |
| Reidy, Frank       | Riley, Frances    | Turgeon, Roland   | White, Jay           |
| Williams, Carol    |                   |                   |                      |

**MERRIMACK**

|               |                 |                    |                  |
|---------------|-----------------|--------------------|------------------|
| Dunn, Miriam  | Fraser, Marilyn | Krueger, Patricia  | Lockwood, Robert |
| Maxfield, Roy | Nichols, Avis   | Owen, Derek        | Pfaff, Terence   |
| Reardon, Tara | Wallin, Jean    | Wallner, Mary Jane | Whalley, Michael |

**ROCKINGHAM**

|                    |                     |                      |                    |
|--------------------|---------------------|----------------------|--------------------|
| Blanchard, MaryAnn | Camm, Kevin         | Cegelis, Mark        | Clark, Martha      |
| Cushing, Robert    | Dodge, Robert       | Dube, LeRoy          | Fesh, Robert       |
| Flanagan, Natalie  | Katsakiores, George | Katsakiores, Phyllis | Klemm, Arthur, Jr. |
| Langley, Jane      | Major, Norman       | McGovern, Cynthia    | McKinney, Betsy    |
| Morris, Debbie     | Norelli, Terie      | Raynowska, Bernard   | Rubin, George      |
| Stone, Joseph      | Stritch, C. Donald  |                      |                    |

**STRAFFORD**

|                      |                  |                  |                   |
|----------------------|------------------|------------------|-------------------|
| Berube, Roger        | DeChane, Marlene | Dunlap, Patricia | Hemon, Roland     |
| Hilliard, Dana       | Kaen, Naida      | Keans, Sandra    | Lundborn, Raymond |
| McCann, William, Jr. | McKinley, Robert | Merritt, Deborah | Pelletier, Arthur |
| Pelletier, Marsha    | Rollo, Michael   | Sullivan, Henry  | Torr, Ann         |
| Torr, Franklin       | Vachon, Dennis   | Wall, Janet      |                   |

**SULLIVAN**

|                 |               |                  |
|-----------------|---------------|------------------|
| Donovan, Thomas | Kibbey, David | Schotanus, Merle |
|-----------------|---------------|------------------|

and the report was adopted.

Ordered to third reading.

**HB 622-FN**, requiring legislative approval of certain out-of-court settlements of claims against the state.

**MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Donnalee Lozeau for the Majority of Legislative Administration: This bill requires that all out-of-court settlements that would have a substantial impact on the state budget must be approved either by the legislative fiscal committee or by a majority vote of the legislature. One percent of current total general fund revenues is approximately \$8.7 million. Under this bill, the majority of the legislature during the legislative session or the legislative fiscal committee if the legislature is not in session must approve proposed settlements that range in amounts from  $\frac{1}{4}$  to  $\frac{1}{2}$  of one percent of the prior fiscal year's general fund revenues. Additionally, a majority of the legislature must at all times approve proposed settlements that are more than  $\frac{1}{2}$  of that amount. The legislative budget assistant is authorized to determine the amount of total general fund revenues for the prior fiscal year as well as the financial impact the settlement would have on the state budget. Vote 9-5.

Rep. Amanda A. Merrill for the Minority of Legislative Administration: HB 622-FN proposes a major policy change. Numerous questions were raised during the committee's executive session about both the technical details of the legislation and its potential policy implications. Additional questions remain, and the importance of the legislation makes it imperative that we take sufficient time to address those concerns. HB 622-FN is a prime candidate for re-referral.

Rep. Lozeau moved Recommit to Committee and spoke in favor.

Adopted.

**HB 709**, establishing a committee to study the possibility of imposing property taxes on property used by nonprofit academic institutions primarily for housing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE**

Rep. Stephen G. Avery for the Majority of Local and Regulated Revenues: The majority of the committee felt that there are adequate opportunities for municipalities to address this issue with academic institutions and reach amicable solutions. The legislature passed a voluntary request process last session, and the majority of the committee feels that this legislation is not necessary at this time. Vote 9-4.

Rep. Carol T. Burney for the Minority of Local and Regulated Revenues: Faculty and other rental housing owned by an educational institution may contribute to the school population, and, therefore, the overall tax burden borne by a municipality. The minority believed that this was an issue worth studying. Majority report adopted.

**HB 522-L**, requiring a separate vote of the legislative body of a local governing unit before monies may be appropriated to organizations that conduct registered lobbying activities. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Vogl for Municipal and County Government: The committee unanimously agreed that this bill submits municipal boards to unnecessary micromanagement and is thus inexpedient to legislate. Testimony was heard and agreed to, that such organizations which receive public money serve far broader purposes than legislative advocacy such as providing legal advice, assistance for training and administration, and legislative information. It was expressed that the lobbying component of such organizations is slight in consideration of the holistic benefit. The committee feels that board members are taking full advantage of all the resources provided, freely agree to join, and if so decided, are freely able to break membership. Vote 14-0.

Adopted.

**HB 405-L**, relative to standardizing the requirements for the design and specifications of septic systems. **MAJORITY: RE-REFER TO COMMITTEE. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William E. Williams, Jr. for the Majority of Resources, Recreation and Development: This bill is a simple issue of a standard for all sewage and wastes disposal systems throughout the state. The question of "local control" has been raised and has not been properly reviewed nor has the implication of a present study of alternate systems. Vote 9-6.

Rep. Deborah F. Merritt for the Minority of Resources, Recreation and Development: This bill would no longer allow municipalities to adopt septic system standards more stringent than the state standard. Municipalities would be required to request that DES reject *individual* applications for areas with a high concentration of septic tanks, or have the state adopt rules to protect resources that may be unique to a single municipality (aquifers, pristine water bodies, special natural resources). The minority believes that better education of municipalities will result in appropriate septic standards, and this erosion of *local control* is not necessary. No amount of study will change the current intent of this bill.

Majority report adopted.

**HB 755-FN**, increasing certain OHRV registration fees and requiring the department of fish and game to file an annual report to the legislature. **OUGHT TO PASS**

Rep. Peter O. Crowell for Resources, Recreation and Development: The bill is a wonderful example of private groups and individuals developing the recreational industry of snowmobiling that is pumping much life into the wintertime economy of the state much as the ski industry has done. The snowmobile groups have asked for and endorsed an increase in ATV registration fees to be applied directly to the grooming and maintenance of trails to be enjoyed by all of the trail using public. It was refreshing for the committee to see such a unified effort by private non-profit recreational volunteer groups. Vote 17-0.

Adopted and referred to Finance.

**HB 297**, relative to the cutting of vegetation by utilities on private property. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: Under current law, when public utilities such as electric companies plan to use herbicides to clear rights-of-way, each landowner has the right to demand that vegetation be cut, instead of herbicide spraying, if the landowner is willing to pay any additional cost. As amended, the bill addresses the amount of the additional charge by requiring that any such charge be approved by the Public Utilities Commission in advance. This bill will determine a cost basis for future policy, while leaving the more general question of herbicide use in utility rights-of-way to future legislation. Vote 17-1.

#### Amendment (0398h)

Amend RSA 374:2-a as inserted by section 1 of the bill by replacing it with the following:

374:2-a Alternative to Herbicide Use. Every public utility that uses herbicides to clear or maintain its rights-of-way shall offer, as an alternative to herbicide use, to cut back such vegetation, if requested by the owner of the land on which the right-of-way exists. The utility shall be permitted to charge the landowners who opt for the cutting of vegetation on their property an amount which *has been approved by the public utilities commission and which* reflects the increased cost the utility incurs in providing such an alternative. *No utility shall indicate to any such landowner that such a charge may exist until the charge has been approved by the commission.*

## AMENDED ANALYSIS

This bill requires the approval of the public utilities commission before a utility may charge a landowner for the cutting of vegetation, as an alternative to herbicide use, to clear or maintain its rights-of-way.

Adopted.

Report adopted and ordered to third reading.

**HB 627-FN**, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources. RE-REFER TO COMMITTEE

Rep. Sherman A. Packard for Transportation: This is one of two bills that would take a certain portion of the registration fee, when obtaining a special plate with the money going to a state agency other than the Department of Safety. With the passage in the last session of HB 151, currently RSA 261-A, the committee felt that it had solved the special plate issue. But with the introduction of HB 627-FN, HB 729-FN-A and HB 607-FN, all of which delegate money to entities other than the Department of Safety, we are asking for re-referral on these bills so that the committee can come up with some type of vehicle to facilitate the new language in these proposals. Vote 15-0.

Adopted.

**HB 729-FN-A**, establishing a kindergarten special number plate and fee, with the fees continually appropriated to the department of education. RE-REFER TO COMMITTEE

Rep. Sherman A. Packard for Transportation: This is one of two bills that would take a certain portion of the registration fee, when obtaining a special plate with the money going to a state agency other than the Department of Safety. With the passage of HB 151 in last year's session, currently RSA 261-A, the committee felt that it had solved the special plate issue. But with the introduction of HB 627-FN, HB 729-FN-A and HB 607-FN, all of which delegate money to entities other than the Department of Safety, we are asking for referral on these bills so that the committee can come up with some type of vehicle to facilitate the new language in these proposals. Vote 15-0.

Rep. Packard yielded to questions.

Adopted.

## REMARKS

Rep. Burling moved that the questions of Reps. O'Rourke and Burling and the response of Rep. Packard and Speaker Sytek be printed in the Journal.

Adopted.

Rep. O'Rourke: The report on HB 729 refers to HB 607 on which I have a notice of reconsideration. They are referring HB 729 to a study bill, I guess. It is going to be re-referred to committee. I was just wondering if this bill is going to be the same as the kindergarten bill, HB 627?

Rep. Burling: May I address the question Madam Speaker? I want to try and restate the question because I think it is an excellent question. The question goes to the heart of what I think is an understanding that has evolved over the last few hours. Let me try it this way. My understanding is that we have not only the kindergarten plate, the conservation plate and the veterans plate now before us, but we have some generic issues about how the committee would like to deal with the creation of a mechanism for handling plate issues. Is that correct, Rep. Packard?

Rep. Packard: Yes, that is correct, Rep. Burling.

Rep. Burling: Would I be correct then in understanding, on behalf of myself and Rep. O'Rourke, that by the action of re-referring these two bills, what we intend to do is send back to the committee the question with regard to all three types of plates and to empower the committee to handle all those, particularly the veterans' plate, which became the source of some discussion last week? Would I be correct in assuming that?

Rep. Packard: You would be correct, yes. We want to facilitate a vehicle so that regardless of the subject matter, it will be addressed by the vehicle that we put together.

Rep. Burling: So, if I may put this in the form of a parliamentary inquiry to you: If I were interested, as I was last week, in supporting the veterans' rights to continue with a review of that license plate for veterans, what I would do now is vote to re-refer. Your committee will have jurisdiction over all three kinds of plates and you will come back to us with an answer.

Rep. Packard: Yes, I will.

Rep. Burling: Thank you, Madam Speaker. Let me ask a parliamentary inquiry, if I may and perhaps you can straighten us out. My understanding and my sense of this group is that we want to give back to the Committee jurisdiction over three bills - conservation, kindergarten and the very important veterans' plate. A concern has been raised as to whether we can do that without taking up the reconsideration motion. It is my belief that we can do that and that the committee, if we do nothing further, will have jurisdiction over those three plates and the establishment of a system, even without the reconsideration. Could you tell me what is correct and give me some guidance. Speaker Sytek: The way you have stated it is correct. It is my understanding from the conversation on the floor that the committee would like the bill re-referred. They would like to develop a generic mechanism by which any entity that wanted to use plates as a way of raising money would be able to access this generic provision. Anybody, whether it was kindergarten or veterans or a conservation plate would use this generic formula. I believe that has been the discussion so far. The question of the status of another bill is not germane to this discussion at the moment.

### REGULAR CALENDAR (CONT'D.)

**HB 243**, requiring a conviction of a person wounding or killing a human being while hunting before the person's hunting license can be revoked. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: This bill originally only addressed the issue of requiring a conviction before a hunting license could be revoked by the Executive Director of the Fish and Game Department. The amendment does that and goes on to clarify the laws pertaining to hunting related shootings. It specifically increases the penalty from a violation to a misdemeanor for failure to report a hunting accident. Vote 12-1.

#### Amendment (0319h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to criminal penalties and license revocation following a conviction for shooting and wounding or killing a human being while hunting.

Amend the bill by replacing all after the enacting clause with the following:

1 License Revocation for Shooting and Wounding or Killing Human Being. RSA 207:37-b is repealed and reenacted to read as follows:

207:37-b Hunting License Revoked.

I. Any person while on a hunting trip or in pursuit of wild animals or wild birds or while target practicing, who is convicted of shooting and wounding or killing a human being shall not be issued a license to hunt or, if the person holds a hunting license, the license shall be revoked and the person shall not be granted a license to hunt for the following period:

(a) If the shooting and wounding of a human being results in death or serious bodily injury, as defined in RSA 625:11, VI, the license revocation shall be for a period of 10 years.

(b) If the shooting and wounding of a human being results in less than serious bodily injury as defined in RSA 625:11, VI, the license revocation shall be for a period of 5 years.

II. A hunting license revocation under paragraph I shall commence immediately upon indictment or arrest. Upon conviction, the period of revocation shall be computed from the date of indictment or arrest.

III. A license to hunt may be granted or restored following a hearing before the executive director and the commission at any time following the full revocation period under paragraph I and following application for a license and successful completion of a hunter education program pursuant to RSA 214:23-a.

IV. A person convicted of negligently shooting and wounding or killing a human being while hunting or target practicing in another state or province shall not be issued a license to hunt in this state for any period of time that the person's privilege to hunt is suspended by the state or province where the offense was committed.

2 New Section; Shooting Human Beings While Hunting. Amend RSA 207 by inserting after section 37-b the following new section:

207:37-c Shooting Human Beings While Hunting.

I. Any person, while on a hunting trip, or in pursuit of wild animals or wild birds, or while target practicing, who negligently shoots and wounds any human being, shall be guilty of a misdemeanor.

II. Any person, while on a hunting trip, or in pursuit of wild animals or wild birds, or while target practicing, who shoots and causes the death of any human being, shall be charged pursuant to the appropriate criminal code statute.

III. The provisions of this section shall apply to any person hunting or target practicing with a firearm, bow and arrow or crossbow and bolt.

IV. In addition to the penalties provided in this section, the person shall be subject to license revocation under RSA 207:37-b.

3 Hunting Related Shootings; Penalty Changed. Amend RSA 207:38-a to read as follows:

207:38-a Hunting [~~Accidents~~] **Related Shootings**. Any person while hunting or in the field who shall cause any injury by shooting another human being shall report immediately to the nearest conservation officer or law enforcement officer giving his *or her* name, address, date of birth, hunting license number and any other information needed to identify that person. Whoever violates the provisions of this section shall be guilty of a [~~violation~~] **misdemeanor**.

4 Effective Date. This act shall take effect January 1, 1998.

### AMENDED ANALYSIS

This bill:

(1) Provides for a misdemeanor penalty for the negligent shooting and wounding of a human being while hunting;

(2) Provides that the death of a person caused by a shooting while hunting shall be charged according to the criminal code;

(3) Requires a conviction of a person shooting and wounding or killing a human being before revocation of the person's hunting license;

(4) Increases the penalty for violations of the requirement to report hunting related shootings. Adopted.

Rep. Cegelis offered a floor amendment.

### Floor Amendment (0452h)

Amend RSA 207:37-b as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. For purposes of this section, "target practicing" shall mean target practicing in a woodland as defined in RSA 207:33.

Amend RSA 207:37-c as inserted by section 2 of the bill by inserting after paragraph IV the following new paragraph:

V. For purposes of this section, "target practicing" shall mean target practicing in a woodland as defined in RSA 207:33.

Rep. Cegelis spoke in favor.

Rep. Mock spoke against and yielded to questions.

The floor amendment failed.

Report adopted and ordered to third reading.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Carson moved that the House reconsider its action whereby it ordered to third reading **HB 169**, prohibiting former state legislators from serving as lobbyists for 2 years after leaving the legislature and spoke against.

### MOTION TO LAY ON THE TABLE

Rep. Boutin moved that the motion to reconsider **HB 169**, prohibiting former state legislators from serving as lobbyists for 2 years after leaving the legislature be laid upon the table.

The motion failed.

The question now being the motion to reconsider.

Reconsideration failed.

### REGULAR CALENDAR (CONT'D.)

**HB 464-FN**, regarding notice provisions for waxes applied to fresh fruit. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald G. Russell for Commerce: The committee felt that the majority of stores in our state have posted signs in proper places. Federal law is already in place. State law can be more restrictive, however, we do not have the work force to police this activity. We found that most waxes are sprayed on in the country of origin and today's market is worldwide. Vote 13-1.

Rep. Hall spoke against and yielded to questions.

Rep. Hunt spoke in favor.

On a division vote, 242 members having voted in the affirmative and 59 in the negative, the report was adopted.

**HB 121**, relative to quality review for accountancy and requiring the board of accounting to adopt administrative rules. **OUGHT TO PASS WITH AMENDMENT**

Rep. Myron S. Streere, III for Executive Departments and Administration: The quality of peer review requires a review of the quality and consistency of accounting work for each permittee once every three years. The committee agreed that the adoption of administrative rules by the Board of Accountancy should be required and that the rules provide for the conduct and charges for quality reviews not be excessive. Vote 15-0.

#### **Amendment (0177h)**

Amend the bill by replacing section 2 with the following:

2 Rulemaking Authority Modified. Amend RSA 309-B:3, VIII(g) to read as follows:

(g) Rules regarding quality review that shall be required under this chapter. *Such rules shall include conduct and cost parameters to insure that charges for the "off-site" quality review process are not excessive.*

#### **AMENDED ANALYSIS**

This bill requires the board of accountancy to adopt administrative rules. Current law gives the board discretion as to whether or not to adopt administrative rules. The bill also requires that rules adopted regarding quality reviews shall include conduct and cost parameters to insure that charges for the "off-site" quality review process are not excessive.

Rep. Dodge spoke against.

Rep. Steere spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**HB 286-FN-A**, lowering the rate of the interest and dividends tax. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: The purpose of this legislation, according to its sponsors, was to bring revenue neutrality to changes made in the Interest and Dividends Tax by the last Legislature. To determine if the original rate changes in Interest and Dividends were indeed revenue neutral, the Finance Committee is holding HB 195, increasing the exemption amount under the interest and dividends tax, while awaiting results from Revenue Administration. This bill, if passed, will decrease state general unrestricted revenue by 17.6 million for the biennium. Vote 18-1.

Rep. Jacobson spoke against.

Rep. Vaughn spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 179 NAYS 150**

**YEAS 179**

**BELKNAP**

Boyce, Robert  
Rosen, Ralph

Holbrook, Robert  
Ziegler, Alice

Hurt, George

Lawton, David

**CARROLL**

Bradley, Jeb

Chandler, Gene

Foster, Robert

MacDonald, Kenneth

**CHESHIRE**

Avery, Stephen  
Manning, Joseph  
Robertson, Timothy

Hunt, John  
McGuirk, Paul  
Royce, H. Charles

Lynch, Margaret  
Metzger, Katherine  
Smith, Edwin

Lynott, Margaret  
Riley, William  
Steere, Myron, III

**COOS**

Bradley, Paula  
Tholl, John, Jr.

Coulombe, Henry

Davis, Perley

Mears, Edgar

**GRAFTON**

Almy, Susan  
Hinman, Harry  
Teschner, Douglass

Brown, Channing  
LaMott, Paul  
Trelfa, Richard

Eaton, Stephanie  
Nordgren, Sharon  
Williams, William, Jr.

Hill, Richard  
Root, John

**HILLSBOROUGH**

Alukonis, David  
Calawa, Leon, Jr.  
D'Allesandro, Lou  
Dyer, Merton  
Flora, Kathleen  
Ginsburg, Ruth  
Holden, Carol  
L'Heureux, Robert  
Lozeau, Donnalee  
McCarty, Winston  
Mercer, Robert  
Sargent, Maxwell  
Wheeler, Robert

Amidon, Eleanor  
Chabot, Robert  
Daniels, Gary  
Emerton, Lawrence, Sr.  
Foster, Joseph  
Golding, William  
Hunter, Bruce  
LaRose, Richard  
Luebker, Bernard  
McGough, Tim  
O'Hearn, Jane  
Searles, Stanley, Sr.  
White, Donald

Belvin, William  
Christiansen, Lars  
Durham, Susan  
Fenton, James  
Foster, Linda  
Hansen, Herbert  
Kelley, Robert  
Lefebvre, Roland  
MacAuslan, Rita  
McRae, Karen  
Peterson, Andrew  
Thulander, O. Alan  
Williams, Carol

Brundige, Robert  
Clay, Susan  
Dwyer, Paul, Sr.  
Fields, Dennis  
Gagnon, Eugene  
Herman, Keith  
Kurk, Neal  
Leonard, Peter  
McCarthy, William  
Melcher, Harold  
Piteri, Dawn  
Welch, Donald  
Wright, George

**MERRIMACK**

Adams, Stephen  
Crosby, Toni  
Gile, Mary  
Moore, Carol  
Reardon, Tara  
Whalley, Michael

Burney, Carol  
Daneault, Gabriel  
Leber, William  
Morrill, Olive  
St. Cyr, Gerard  
Whittemore, James

Chandler, Earle  
DeStefano, Stephen  
Lockwood, Robert  
Nichols, Avis  
Wallin, Jean

Colburn, Thomas  
Dunn, Miriam  
Marshall, Kenneth  
Pfaff, Terence  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
Beaulieu, Jon  
Christie, Andrew, Jr.  
Dearborn, Bruce  
Flanagan, Natalie  
Heath, John  
Katsakiores, George  
Langone, John  
McGovern, Cynthia  
Pantelakos, Laura  
Stickney, Nancy  
Vaughn, Charles  
Woods, Deborah

Aranda, M. Kathryn  
Camm, Kevin  
Cooney, Richard  
Downing, Michael  
Flanders, John, Sr.  
Henderson, Warren  
Katsakiores, Phyllis  
Letourneau, Robert  
McKinney, Betsy  
Raynowska, Bernard  
Stone, Joseph  
Weatherspoon, Jackie

Arndt, Janet  
Case, Margaret  
Cote, Patricia  
Dunham, Vivian  
Francoeur, Sheila  
Hutchinson, Rebecca  
Klemm, Arthur, Jr.  
Major, Norman  
Noyes, Richard  
Simmons, John Anthony  
Syracusa, Anthony  
Welch, David

Battles-Peirce, Marjorie  
Cegelis, Mark  
Cushing, Robert  
Fesh, Robert  
Frechette, Joseph  
Johnson, Robert  
Kobel, Rudolph  
McCarthy, John, Jr.  
Packard, Sherman  
Smith, Kevin  
Varrell, Thomas  
Weyler, Kenneth

**STRAFFORD**

Brown, Julie  
Merrill, Amanda  
Torr, Ann

Estabrook, Iris  
Rogers, Rose Marie  
Torr, Franklin

Grassie, Anne  
Snyder, Clair  
Tsiros, William

Hemon, Roland  
Sullivan, Henry  
Vachon, Dennis

**SULLIVAN**

|                |                 |                 |                 |
|----------------|-----------------|-----------------|-----------------|
| Burling, Peter | Cloutier, John  | Donovan, Thomas | Ferland, Brenda |
| Leone, Richard | Lindblade, Eric |                 |                 |

**NAYS 150**

**BELKNAP**

|                |                |                   |              |
|----------------|----------------|-------------------|--------------|
| Clark, Charles | Lawton, Robert | Rice, Thomas, Jr. | Thomas, John |
| Turner, Robert |                |                   |              |

**CARROLL**

|                    |                 |                        |                 |
|--------------------|-----------------|------------------------|-----------------|
| Babson, David, Jr. | Cooper, Kipp    | Dickinson, Howard, Jr. | Howard, Godfrey |
| Kenney, Joseph     | Lyman, L. Randy | Mock, Henry            | Patten, Betsey  |
| Philbrick, Donald  |                 |                        |                 |

**CHESHIRE**

|                |                     |                   |               |
|----------------|---------------------|-------------------|---------------|
| Bonneau, Sarah | DePecol, Benjamin   | Doucette, Richard | Meador, David |
| Pratt, John    | Richardson, Barbara | Russell, Ronald   |               |

**COOS**

|                  |                  |                   |                 |
|------------------|------------------|-------------------|-----------------|
| Coulombe, Yvonne | Hawkinson, Marie | Horton, Lynn      | Merrill, Gerald |
| Moynihan, Wayne  | Pratt, Leighton  | St. Hilaire, Paul |                 |

**GRAFTON**

|                    |                  |                |                |
|--------------------|------------------|----------------|----------------|
| Akins, Ralph       | Alger, John      | Below, Clifton | Cobbin, Philip |
| Copenhaver, Marion | Guest, Robert    | Lovett, Sidney | Luker, Elsa    |
| Mirski, Paul       | Phinney, William | Weber, Phil    |                |

**HILLSBOROUGH**

|                            |                       |                         |                      |
|----------------------------|-----------------------|-------------------------|----------------------|
| Ackerman, Philip           | Arnold, Thomas, Jr.   | Baroody, Benjamin       | Barry, William, III  |
| Batula, Peter              | Bergin, Peter         | Bernier, Shannon        | Boutin, David        |
| Buckley, Raymond           | Burke, M. Virginia    | Cardin, Lori            | Carlson, Donald      |
| Clegg, Robert, Jr.         | Clemons, Jane         | Cote, Peter             | Daigle, Robert       |
| Dawe, Eileen               | Dokmo, Cynthia        | Drabinowicz, A. Theresa | Ferguson, Charles    |
| Franks, Suzan              | Gage, Ruth            | Gosselin, Gerald        | Goulet, Maurice      |
| Haettenschwiller, Alphonse | Haley, Robert         | Hall, Betty             | Hart, Nick           |
| Holley, Sylvia             | Jean, Claudette       | Jean, Loren             | Johnson, Lionel      |
| Leishman, Peter            | Lessard, Rudy         | Letendre, Evelyn        | Lynde, Harold        |
| MacGillivray, Jeffrey      | Marcinkowski, Michael | Martin, Mary            | McDonald, James, Sr. |
| Messier, Irene             | Murch, George         | Murphy, Robert          | O'Rourke, Thomas     |
| Pepino, Leo                | Perkins, Paul         | Reidy, Frank            | Riley, Frances       |
| Turgeon, Roland            | Vaillancourt, Steve   | White, Jay              |                      |

**MERRIMACK**

|                    |                 |                   |                 |
|--------------------|-----------------|-------------------|-----------------|
| Anderson, Eric     | Brown, Mary     | Fraser, Marilyn   | French, Barbara |
| Hoadley, Elizabeth | Jacobson, Alf   | Krueger, Patricia | Lamach, Bernard |
| Langer, Ray        | Larrabee, David | Maxfield, Roy     | Owen, Derek     |
| Seldin, Gloria     | Yeaton, Charles |                   |                 |

**ROCKINGHAM**

|                  |                    |                    |                  |
|------------------|--------------------|--------------------|------------------|
| Belanger, Ronald | Blanchard, MaryAnn | Clark, Martha      | Coes, Betsy      |
| Dodge, Robert    | Dube, LeRoy        | Gibbons, Paul      | Gleason, John    |
| Griffin, Mary    | Guthrie, Joseph    | Kelley, Jane       | Langley, Jane    |
| Malcolm, Kenneth | Micklon, Stephanie | Mikowski, Walter   | Millard, Ralph   |
| Morris, Debbie   | Norelli, Terie     | Reardon, Neil      | Rubin, George    |
| Sabella, Norma   | Schanda, Frank     | Stritch, C. Donald | Tufts, J. Arthur |

**STRAFFORD**

Berube, Roger  
 Hilliard, Dana  
 McCann, William, Jr.  
 Pelletier, Marsha  
 Wall, Janet

Callaghan, Frank  
 Kaen, Naida  
 McKinley, Robert  
 Rollo, Michael

DeChane, Marlene  
 Keans, Sandra  
 Musler, George  
 Smith, Marjorie

Dunlap, Patricia  
 Lundborn, Raymond  
 Pelletier, Arthur  
 Twardus, Joseph

**SULLIVAN**

Adler, Rudolf  
 Wiggins, Celestine

Kibbey, David

Krueger, Richard

Schotanus, Merle

and the report was adopted.

**CACR 20**, relating to the appointment and terms of probate court judges. Providing that all probate court judges be full-time and subject to term limits. **INEXPEDIENT TO LEGISLATE**  
 Rep. Carol H. Holden for Judiciary and Family Law: This CACR would require that all probate court judges shall be full time and shall be appointed for a term of 10 years with the possibility of being reappointed for another 10-year term. Testimony indicated that there are four full time probate court justices. Part II, Article 4, of the constitution gives the legislature the power to authorize full time probate court justices. With regard to tenure, the committee felt the changes proposed would politicize the judiciary. Vote 11-1.

Adopted.

**HB 365**, providing that communications made during family mediation shall be privileged. **INEXPEDIENT TO LEGISLATE**

Rep. Deborah L. Woods for Judiciary and Family Law: Testimony on this bill indicated further work needed to be done on this. An amendment was not received by the committee in a timely fashion to make this bill workable. Vote 12-0.

Rep. Wallin moved Recommit to Committee and spoke in favor.

Rep. John McCarthy spoke in favor.

Adopted.

**HB 394**, restricting the jurisdiction of the probate courts over estates. **INEXPEDIENT TO LEGISLATE**

Rep. Alf E. Jacobson for Judiciary and Family Law: No evidence was presented that the proposed changes in probate court procedure in this bill are necessary. Vote 12-0.

Adopted.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. McCann requested that his protest be entered on the Journal.

The Judiciary and Family Law Committee was misled by Judge Maher and the judge who is the head of the Probate Courts. They launched into a personal attack on a sitting Representative. I submit my letter to the Committee Chairman about this issue at this point in my protest.

February 24, 1997

Dear Chairman McCarthy:

At last Thursday's hearing (2/2/97) on HB 394 something happened which should not have, personalities were interjected into the debate.

HB 394 merely attempts to give some legislative direction to the sometimes complicated question of probate jurisdiction. As you will recall, I spoke a second time saying that I agreed with everything Judge Maher and the other speaker said. I stated that when the system as described worked, I had no problem.

However, when I mentioned the problem of the "Hemon Estate", Judge Maher asked for "privilege" and then launched into a personal attack of Rep. Roland Hemon, Strafford District 11.

Rep. Hemon is not a sponsor of HB 394, and even if he was he should not be the subject of such slander.

I would ask that you and the Judiciary Committee request Judge Maher to issue a formal apology to Rep. Hemon for his unethical conduct before the Judiciary Committee.

Representative Bill McCann, Strafford District 11.

Based on the unethical conduct of the head of the Probate Court system, I protest this vote.

### REGULAR CALENDAR (CONT'D)

**HR 12**, urging that impeachment proceedings be instituted posthumously against the late John C. Fairbanks. **INEXPEDIENT TO LEGISLATE**

Rep. Deborah L. Woods for Judiciary and Family Law: The majority of the committee believes that a posthumous impeachment of Judge Fairbanks may be feel-good legislation, but serves no valuable purpose whatsoever except to drag out this matter. To be sure, we will not, nor should we, forget the name Fairbanks or what he did. It is important, however to move proactively to insure it does not happen again. Vote 12-2.

Rep. Cobbin spoke against.

Adopted.

**HB 479**, establishing a committee to study the merits of installation of dual pipe and tank septic systems. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Williams, Jr. for Resources, Recreation and Development: There was very little testimony to support this bill. It was apparent that existing scientific knowledge did not support the efficiency of this type of system and in fact, may well be detrimental to proper operation of a septic system. Vote 17-0.

Rep. Lefebvre moved Recommit to Committee and spoke in favor.

Rep. William Williams spoke against.

The motion failed

Report adopted.

### RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 12, 1997 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HCR 10**, urging recognition of the contributions made by the Irish potato famine immigrants and observation of the 150<sup>th</sup> anniversary of the Great Hunger.

**HB 324**, relative to the qualifications of bank examiners.

**HB 652**, establishing a committee to study certification of police and fire dispatchers.

**HB 450**, relative to accessing directory information as defined by the Family Educational Rights and Privacy Act.

**HB 255**, establishing a committee to study access to dental care for low-income, uninsured, and underinsured persons.

**HB 454**, relative to food service establishments.

**HB 375**, relative to the statement which must be signed by applicants for notary public or justice of the peace.

**HB 397**, establishing a house study committee to examine the adoption of articles 41, 72-a and 73-a of the second part of the New Hampshire constitution.

**HB 433**, relative to discharge from New Hampshire hospital.

**HB 448**, relative to the trust fund for the prevention of child abuse and neglect.

**HB 523**, relative to the appointment of guardians ad litem.

**HB 486**, relative to a study of a certain portion of Route 3A.

**HB 336**, clarifying certain definitions relating to dams.

**HB 585**, relative to prohibiting littering, as enforced by the fish and game department.

**HB 706**, establishing a commission on animal damage control to review the fish and game laws relating to damage by game birds and game.

**HB 258-FN**, requiring financial institutions to display certain information on fees, charges, and available products in their lobbies.

**HB 261**, recodifying the insurance laws pertaining to hospital service corporations, medical service corporations, and nonprofit health service corporations. (Blue Cross/Blue Shield)

**HB 342**, relative to the payment of recording fees for mortgage discharges and relative to notification of the discharge to the payor of the final payment in satisfaction of the mortgage.

**HCR 2**, urging all school districts in the state of New Hampshire to implement peer mediation programs.

**HB 722-FN**, opting the state out of a provision of federal law relating to benefits for persons convicted of drug-related offenses.

**HB 431**, relative to the appointment of attorneys and guardians ad litem, and eliminating certain de novo hearings under certain laws related to child protection.

**HB 169**, prohibiting former state legislators from serving as lobbyists for 2 years after leaving the legislature.

**HB 297**, relative to the cutting of vegetation by utilities on private property.

**HB 243**, relative to criminal penalties and license revocation following a conviction for shooting and wounding or killing a human being while hunting.

**HB 121**, relative to quality review for accountancy and requiring the board of accounting to adopt administrative rules.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:40 p.m.

### RECESS

(Rep. David Welch in the Chair)

### RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Hunter offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 52 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HOUSE BILL

#### First, second reading and referral

**HB 52**, authorizing the assignment of superior court judges to hear cases in the district court. (A. Merrill, Straf 8; J. McCarthy, Rock 24: Judiciary and Family Law)

### RECESS

(Speaker Sytek in the Chair)

Rep. Wheeler moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 11**

Wednesday, March 12, 1997

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Lynne Hubley from the First Baptist Church in Bradford.

God of truth and wisdom, we come before You today seeking Your presence in our midst. May that presence provide strength and clarity and direction to these Representatives who have many tasks and challenges before them. We are grateful to live in a country where we can choose our leaders. Enable these particular leaders in this session to use the gifts and the power that You have given them wisely and always for the common good of the people whom they are serving. May their work and efforts be fruitful and may they be unified, despite their differences, and strive to work as one body. We pray to You, O God, as one who hears all our prayers. Amen.

Rep. Fuller Clark led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Blanchard, George Brown, Kathleen Colburn, Cobbin, Dolan, David Flanders, Felch, Beverly Gage, Gibbons, MacIntyre, Nowe, O'Connell, Paul Taylor, Turgeon and Vincent, the day, illness. Reps. Abbot, Amen, Adams, Channing Brown, Crowell, Feng, Guthrie, Mirski, Rubin and Kathleen Taylor, the day, important business.

Rep. Irene Pratt, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Hope Micklon, Anne Basset and Hideki Sumiyoshi, daughter and guests of Rep. Micklon. Former NH Representative Janet Gail Barry, guest of Rep. Burke. Jessica Clegg and Yoko Hamasaki, daughter and guest of Rep. Clegg. John Pelletier, son of Reps. Marsha and Arthur Pelletier. Hampton Girl Scout Troop and troop leader Pat McKenzie, guests of the Hampton Delegation.

**COMMITTEE REPORTS****CONSENT CALENDAR - PART I**

Rep. Wheeler moved that the Consent Calendar - Part I with the relevant amendments as printed in the day's House Record be adopted.

**HB 619**, establishing a sunset review process for state agencies and making an appropriation therefor, removed by Rep. Weber.

**HB 734**, requiring district courts to hold evening sessions, removed by Rep. John McCarthy.

**HB 758**, raising the speed limit on all New Hampshire interstate highways from 65 to 75 miles per hour and from 55 to 65 in other locations, removed by Rep. Vaillancourt.

Consent Calendar adopted.

**HB 190**, relative to interstate banking and branching. **OUGHT TO PASS WITH AMENDMENT** Rep. David T. Mittelman for Commerce This bill is the result of a study committee on interstate banking and branching as established by 1996 Chapter Law 104. It simply grants the Banking Department additional provisions relative to the examination of out-of-state banks and bank holding companies. Vote 15-0.

**Amendment (0591h)**

Amend RSA 384:60-c as inserted by section 1 of the bill by replacing it with the following:  
384:60-c Application and Investigation Fee Required. An out-of-state bank or out-of-state bank holding company acquiring a New Hampshire bank or seeking to establish a New Hampshire branch pursuant to this subdivision shall file an application with the bank commissioner on a form prescribed by the bank commissioner. A \$1,500 investigation fee shall accompany each application for approval to establish a New Hampshire branch and each application to acquire a New Hamp-

shire bank. The commissioner shall examine such application, and if the commissioner determines that the applicant meets the requirements of this subdivision for the establishment of a New Hampshire branch or the acquisition of a New Hampshire bank, the bank commissioner shall approve the application. A duplicate original of the commissioner's approval shall be filed by the applicant with the secretary of state.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

**HB 268-FN**, relative to the powers of the Pease development authority. **OUGHT TO PASS**  
Rep. Gregory G. Carson for Commerce: This bill establishes an oversight committee made up of House and Senate members and a designee of the state treasurer. In addition, it addresses the sharing of business inquiries with Department of Resources and Economic Development and land transfers. Vote 13-0.

Referred to Finance.

**HB 442**, requiring insurers to cover certain costs associated with reconstructive surgery after a mastectomy. **OUGHT TO PASS WITH AMENDMENT**

Rep. Toni M. Crosby for Commerce: The amended version of this bill reported out of committee with a unanimous vote deals with the issue of reconstructive surgery after a mastectomy to establish symmetry between the breasts. The committee is proud to join 13 other states in recognizing the importance of the option of reconstructive breast surgery to women's health. Vote 15-0.

#### **Amendment (0628h)**

Amend RSA 417-D:2-b as inserted by section 1 of the bill by replacing it with the following:

417-D:2-b Reconstructive Surgery. Every insurer subject to this chapter that provides individual or group coverage for mastectomy surgery shall provide coverage for reconstruction of the breast on which surgery has been performed and surgery and reconstruction of the other breast to produce a symmetrical appearance if the patient elects reconstruction.

**HB 655-FN**, requiring the department of agriculture, markets, and food to maintain records concerning commercial transactions of the bovine somatotropin growth hormone. **INEXPEDIENT TO LEGISLATE**

Rep. Tim S. McGough for Commerce: This bill would have required the Department of Agriculture, Markets and Food to maintain records concerning commercial transactions of the bovine somatotropin growth hormone. The sponsors requested that this bill be found inexpedient, so the committee concurred. Vote 13-3.

**HB 806-FN-L**, relative to the business finance authority **OUGHT TO PASS**

Rep. Gregory G. Carson for Commerce: This legislation makes the Business Finance Authority an independent entity instead of an agency of the state like the NH Housing Finance Authority, the Community Development Finance Authority, the Municipal Bond Bank and the Higher Education and Health Facilities Authority. In addition, RSA 162-A:4 is amended to make the state treasurer a voting ex officio member of the board. Vote 16-0.

Referred to Executive Departments and Administration.

**HB 414**, authorizing the commissioner of the department of safety to adopt rules imposing late fees for the impaired driver intervention programs. **RE-REFER TO COMMITTEE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The committee felt that this bill should be re-referred as the issue of late fees needs to be addressed. However, the efficiency and effectiveness of these programs are going to be looked at in HB 271 (re-referred) and we felt that they should be joined for study. Vote 13-0

**HB 604-FN-L**, relative to accessing information in delinquency cases. **RE-REFER TO COMMITTEE**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The committee voted unanimously to re-refer this bill in order to combine it with other bills covering juveniles and juvenile delinquency. Vote 12-0.

**HB 605-FN-L**, relative to procedures regarding delinquent children under RSA 169-B. **RE-REFER TO COMMITTEE**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The committee voted unanimously to re-refer this bill in order to combine it with other bills covering juveniles and juvenile delinquency Vote 12-0.

**HB 724-FN**, allowing the office of reimbursements in the department of health and human services to set rates for the multiple DWI offender intervention detention center program. **OUGHT TO PASS**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill is the result of audit recommendations that programs for increasing the effectiveness of collection programs be implemented as well as increase the changes for the multiple DWI offender intervention detention center program in order to cover the actual costs. Vote 17-0.

Referred to Finance.

**HB 436-FN-L**, establishing restrictions in building aid for conversions of area schools to cooperative school districts, and relative to increasing or decreasing grades in cooperative school districts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard L. Champagne for Education: This bill is a housekeeping matter requested by the State Dept. of Education. It clarifies certain aspects of current law and prevents possible double-dipping in school district building aid. Vote 15-0.

#### **Amendment (0460h)**

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Section 1 of this act shall take effect July 1, 1998.

II. The remainder of this act shall take effect 60 days after its passage.

Referred to Finance.

**HB 786-FN**, relative to election filing fees and primary petitions. **INEXPEDIENT TO LEGISLATE**  
Rep. David R. Boutin for Election Law: The committee studied this bill and came to the conclusion that as drafted it made gaining access to the ballot more difficult as well as making it more costly to run a political campaign. The committee voted unanimously to recommend "inexpedient to legislate." Vote 15-0.

**HB 196-FN**, providing for the regulation of horticultural growing media. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harold P. Melcher for Environment and Agriculture: The committee supported this Department of Agriculture bill to regulate the labeling and sale of potting soil, and to collect fees to cover the cost. Vote 17-0.

#### **Amendment (0204h)**

Amend RSA 433-A:6 and 433-A:7 as inserted by section 1 of the bill by replacing them with the following:

433-A:6 Registration and Inspection Fees; Fund Established. The commissioner shall collect a \$50 annual registration and inspection fee for each product registered. The fees collected under this section shall be deposited with the state treasurer into the agriculture products and scale testing fund established in RSA 435:20, IV. Moneys from the fund shall be used to offset costs associated with registration and inspection of horticultural growing media.

433-A:7 Exemptions.

I. Distribution of horticultural growing media planted with live plant material is exempt from the labeling and registration requirements imposed pursuant to this chapter.

II. Distribution of horticultural growing media that is sold to consumers at the site of production and is not distributed by other means or intended for commercial use is exempt from the registration requirements imposed pursuant to this chapter.

III. Distribution of custom media is exempt from registration requirements imposed pursuant to this chapter provided it is prepared for a single end user.

IV. Distribution of horticultural growing media with applied plant nutrients shall be exempt from the requirements of RSA 431:1-20.

Amend RSA 433-A:11, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Distribute an adulterated horticultural growing medium. Such medium shall be deemed to be adulterated if:

(a) It contains any deleterious or harmful ingredient in sufficient amount to render it injurious to beneficial plant, animal, human or aquatic life or to soil or water when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use which may be necessary to protect plant life, animal, human, or aquatic life or soil or water are not shown upon the label.

(b) Its composition falls below or differs significantly from that which it is purported to possess by its labeling.

(c) It contains viable weed seed exceeding the amounts specified in RSA 433:4, I(c)-(e).

Amend RSA 433-A:12, I as inserted by section 1 of the bill by replacing it with the following:

I. Any person who, individually or through a servant or agent, violates any provision of this chapter or rule adopted under this chapter shall be guilty of a misdemeanor. For any subsequent offense, a person shall be guilty of a misdemeanor if an individual, or guilty of a felony if any other person.

Amend the bill by replacing section 2 with the following:

2 Agricultural Product and Scale Testing Fund. Amend RSA 6:12, I(zz) to read as follows:

(zz) One-half the registration fees collected under RSA 435:20 *and all fees collected under RSA 433-A:6*, which shall be credited to the agricultural product and scale testing fund, established under RSA 435:20, IV.

#### AMENDED ANALYSIS

This bill provides for the registration and inspection of horticultural growing media.

The bill establishes fees for registration and inspection and penalties for violations.

Referred to Finance.

**HB 498-FN-A**, establishing a New Hampshire farm museum and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Phinney for Environment and Agriculture: This bill recognizes the New Hampshire Farm Museum in Milton, New Hampshire as the first official State of New Hampshire Farm Museum. The amendment has removed the need for fiscal review. Vote 19-0.

#### Amendment (0524h)

Amend the title of the bill by replacing it with the following:

**AN ACT** recognizing the New Hampshire Farm Museum in Milton, New Hampshire as the first official state of New Hampshire farm museum.

Amend the bill by replacing all after the enacting clause with the following:

1 New Hampshire Farm Museum.

I. The New Hampshire Farm Museum in Milton, New Hampshire is recognized as the first official state farm museum. The museum shall retain its status as an independent, self-sufficient nonprofit entity.

II. The commissioner of agriculture, markets, and food, the commissioner of cultural affairs, and the commissioner of education shall be invited to serve as ex officio members of the museum.

III. The museum trustees shall continue to employ a director of the museum and such staff as may be necessary to perform all museum duties. The director shall continue to serve at the pleasure of the trustees at a salary established by the trustees.

IV. The museum shall continue to institute promotional programs to solicit and receive gifts, grants, or donations, of any kind, made for the development or operation of the museum. The museum may continue to accept gifts of money and property, including real property, for use in institutional programs. The museum has established its own endowment fund.

2 Effective Date. This act shall take effect August 9, 1997.

#### AMENDED ANALYSIS

This bill recognizes the New Hampshire Farm Museum in Milton, New Hampshire as the first official state farm museum.

**HB 593-FN-L**, extending the grant program for closure of landfills to municipalities and adding the closure of the refuse-to-energy facility at Pease to the state water pollution control revolving fund priority projects. **RE-REFER TO COMMITTEE**

Rep. Richard T. Trelfa for Environment and Agriculture: The committee felt time did not permit analysis of financial impact source and availability of funds and impact on closure of existing unlined landfills. Re-referral will permit the time for necessary studies. Vote 14-0.

**HB 124-FN**, relative to dental care insurance for state employees and retired state employees. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The request of this bill was to provide dental benefits, similar to state employee dental benefits, to retirees with the cost to come from the general fund. The committee worked with the providers of dental coverage and received written assurance that as of July 1, 1997, dental coverage would be offered to retired state employees, to be paid by the retired employee requesting such coverage. Delta Dental will provide the coverage and will handle individual billings to those selecting coverage. Therefore, no legislation is required. Vote 20-0.

**HB 457-FN**, requiring all state agencies, departments, and commissions in all 3 branches of government to have a presence on "WEBSTER" by January 1, 1998, and designating the state library as the official repository of public information. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew R. Peterson for Executive Departments and Administration: The bill, requiring that all agencies, departments, and commissions have a presence on the state information system (commonly known as "The Webster"), was viewed as an important first step in bringing the state into the electronic age and enhancing access to information by its citizens. The amendment was technical, designating the state library as the official repository of "state government" rather than "public" information and removed references to the Webster by name, as it is only a part of the New Hampshire automated information system. Vote 13-0.

#### **Amendment (0507h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring all state agencies, departments, and commissions in all 3 branches of government to have a presence on the New Hampshire automated information system by January 1, 1998, and designating the state library as the official repository of state government information.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The purpose of this act is to build on the historical role of the New Hampshire state library as a compiler, indexer, and disseminator of state government information. It is also to provide a mechanism for state agencies to make more government information available electronically. The intent of the legislature in enacting this bill is to update and enhance the New Hampshire automated information system, which is the result of a cooperative effort of many state agencies and is coordinated by the New Hampshire state library with the technical assistance of the New Hampshire department of regional community-technical colleges.

2 Official Repository of Public Information; State Library Designated. Amend RSA 201-A:1 to read as follows:

201-A:1 State Library. There shall be a state library as provided for in RSA 21-K:5. *The state library shall be the official repository of state government information.*

3 New Paragraph; Definition Added. Amend RSA 201-A:21 by inserting after paragraph I the following new paragraph:

I-a. The "New Hampshire automated information system" or "automated information system" means the system or method by which a component of state government or its authorized agent disseminates state government information products to the public via a telecommunications network or successor technology.

4 New Paragraph; Purpose of New Hampshire Automated Information System Modified. Amend RSA 201-A:23 by inserting after paragraph II the following new paragraph:

III. Provide electronic access to state government information to libraries, state agencies, and the general public.

5 Presence of State Entities on Automated Information System Required. On or before January 1, 1998, every state department, agency, institution, and commission shall have a presence on the New Hampshire automated information system containing basic information including, but not limited to, the name of the department, agency, institution, or commission, and its mission, address, telephone number, and contact person.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill:

- I. Designates the state library as the official repository of public information.
- II. Requires that, on or before January 1, 1998, every state department, agency, institution, and commission shall have a presence on the New Hampshire automated information system.
- III. Defines the "New Hampshire automated information system" or "automated information system". Referred to Finance.

**HB 465-FN**, requiring the legislature to consider a list of factors in determining whether to regulate a previously unregulated profession. RE-REFER TO COMMITTEE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would establish a committee to study what information the legislature should require when considering licensure of new entities. The committee asks that this bill be re-referred to the committee as the ED&A is presently using a lengthy questionnaire to develop this same information and we wish to see the effect of the voluntary action on the part of the their asking for licensure. Vote 17-0.

**HB 519-FN**, relative to regulating heating installers. INEXPEDIENT TO LEGISLATE

Rep. Kipp A. Cooper for Executive Departments and Administration: This bill would place the regulation of heating installers under the Plumbers Board. Testimony from the sponsor and a constituent related problems with the design and installation of a heating and cooling system. Many were opposed to the bill as the regulation of heating installers would conflict with current law, more uniform application of the "BOCA" code and training of inspectors would be a better approach. Licensure alone will not guarantee quality performance. The committee felt that this bill would not address the problems outlined by the sponsor and that other means of quality assurance should be sought. Vote 17-0.

**HB 520**, establishing the bureau of gaming enforcement within the division of state police. INEXPEDIENT TO LEGISLATE

Rep. Ray F. Langer for Executive Departments and Administration: The sponsor, when presenting the bill, indicated it was not drafted exactly the way he intended. Currently, game statutes on the books are enforced by the Bingo and Lucky 7 inspectors. The state police have authority to investigate both legal and illegal gambling at the present time. The commissioner of safety could assign state police to do additional investigation if it is warranted. The committee vote indicated that it did not feel the bureau was needed at this time Vote 18-0.

**HB 535**, relative to the regulation of architects. RE-REFER TO COMMITTEE

Rep. Kipp A. Cooper for Executive Departments and Administration: The committee is asking for re-referral on this bill because of some of the complex problems that arose when we discussed the amendment that was proposed. The bill should have clarified the rule-making, granted board authority to assess fines and conduct investigations, adjust fees to meet the required 125% rule for boards and allowed the board to adjust the way the examination is conducted to meet current methods of offering the exam. The bill had some opposition from licensed professional engineers as they were concerned they would not be able to continue to do design work. This concern was addressed in the amendment to the satisfaction of all parties. What concerned the committee was the apparent conflict between this bill dealing with the architects and the rules of conduct of the joint board of which the architects are members. Most of the problems arose from a difference of opinion between the committee, the attorneys in the attorney general's office and the attorneys at legislative rules over the content of rules and statutes. This inconsistency must be addressed and can best be done by re-referral. There is one portion of the bill dealing with administration of the examination for licensure that may cause the board a problem but the committee hopes to find an interim remedy. Vote 14-0.

**HB 572-FN**, relative to town, city, and county treasurers and to the state treasurer. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill is a request from the department of the treasury to reflect changes that will improve the operation of the department and transfer certain activities to the agency that can better handle the details. The amendment, a request of the department of revenue administration, makes minor changes in the bill that more accurately reflect how they will carry out the functions related to distribution of railroad tax to the communities. The amendment was used because the bill had been completed before the department of revenue administration had a chance to give their input Vote 15-0.

**Amendment (0405h)**

Amend the bill by replacing sections 10-11 with the following:

10 Apportionment Railroad Taxes. Amend the introductory paragraph of RSA 82:31 to read as follows:

The commissioner of revenue administration shall ~~seasonably~~ **annually** apportion all railroad taxes ~~[received by him]~~ **paid** in each **fiscal** year~~[-, and shall certify such apportionment to the state treasurer]~~ for distribution in the following manner:

11 Railroad Corporation Director Returns and Railroad Tax Distribution. Amend RSA 82:32-33 to read as follows:

82:32 Directors' Return. The directors of each railroad corporation shall, on July 1 in the year 1942 and in every fifth year thereafter, make a return, under oath, to the commissioner of revenue administration showing the share of the capital of the corporation expended in each town for buildings and right of way~~[-, and the commissioner of revenue administration shall certify the apportionment for payment by the state treasurer based upon expenditures from such returns]~~.

82:33 When Distributed. *By July 30 each year, the [state treasurer] commissioner of revenue administration shall pay to each town its proportion of each railroad tax [whenever the same shall have been paid to him.] paid during the previous fiscal year* to be appropriated as other town money.

Referred to Finance.

**HB 630-FN-L**, providing an additional service retirement option for group I teacher members of the retirement system. RE-REFER TO COMMITTEE

Rep. Myron S. Steere, III for Executive Departments and Administration: The committee and sponsor agree the bill will require further actuarial and committee study to ensure the proposed early retirement option is revenue neutral to the state retirement system. Vote 18-0.

**HB 699-FN**, relative to holiday pay for part-time state employees. INEXPEDIENT TO LEGISLATE

Rep. Myron S. Steere, III for Executive Departments and Administration: This bill would authorize holiday pay for part time personnel. In 1986-87, holiday pay was authorized by the legislature for direct care nurses but was not authorized for any other part time employee of the state. The Department of Transportation has paid holiday pay to toll takers in the past but this ended in 1996 as there was no authorization for back payment. The cost of paying holiday pay for nearly 4,000 part time employees that might work the holiday could be very high and could add an estimated \$1.4 million to the wage accounts of the state. The department, that presented testimony to the committee, indicated that there is no shortage of applicants for part time positions at this time. Given the availability of employees and the cost to the state, the committee voted this bill inexpedient to legislate Vote 18-0.

**HB 733-FN**, relative to the state government information dissemination and access act. INEXPEDIENT TO LEGISLATE

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill already defines the goal of the state library and its program of disseminating information electronically to the public. Unfortunately, the committee felt the mandates the bill creates were too many, too costly, and inappropriate at this time. With the passage of HB 457, the Webster bill, the State of New Hampshire departments, agencies and commissions are on their way toward information sharing. To move too quickly would be unwise. Vote 15-0.

**HB 737-FN-L**, relative to redefining earnable compensation for the purpose of determining retirement system benefits. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Merton S. Dyer for Executive Departments and Administration: The original bill would have capped earnable compensation with no transition period. The amendment supported by the committee will establish a chapter study committee to make a comprehensive study of earnable compensation and the effects upon the funding percentages of the New Hampshire Retirement System. Vote 18-0.

### **Amendment (0578h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the New Hampshire retirement system relative to redefining earnable compensation.

Amend the bill by replacing all after the enacting clause with the following:

I Purpose. The amount of earnable compensation, as defined for the purposes of the New Hampshire retirement system, used in the calculation of a member's average final compensation is unclear and subject to varying interpretations. It is the purpose of this act to establish a committee to clearly define earnable compensation for the purpose of determining retirement system benefits.

2 Committee Established. There is established a committee to study the New Hampshire retirement system relative to redefining earnable compensation.

3 Membership; Compensation; Chairperson.

I. The committee shall consist of 10 members, as follows:

(a) Five members of the house of representatives, 3 of whom shall be from the house executive departments and administration committee, appointed by the speaker of the house.

(b) Five members of the senate, appointed by the president of the senate.

II. The members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member.

4 Duties and Report. The committee shall:

I. Study the components of the definition of earnable compensation as outlined in RSA 100-A:1, XVII.

II. Study the issues of compensation in general and income averaging for final compensation purposes, relative to the New Hampshire retirement system.

III. Have full power and authority to require from the several departments, agencies, and officials of the state such information and assistance as it deems necessary.

IV. Report its findings and any recommendations for proposed legislation as may be necessary for the 1998 session of the general court concerning the New Hampshire retirement system to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

5 Cost of Actuarial Studies. The cost of any actuarial studies required by the committee established in this act shall be a charge upon the funds of the New Hampshire retirement system.

6 Effective Date. This act shall take effect upon its passage.

### **AMENDED ANALYSIS**

This bill establishes a committee to study the New Hampshire retirement system relative to redefining earnable compensation.

**HB 741-FN-A**, relative to access to state telephone numbers. **INEXPEDIENT TO LEGISLATE**  
 Rep. Merton S. Dyer for Executive Departments and Administration: This bill would make all in-state telephone calls to state offices, agencies, boards and commissions toll-free. The cost of such toll calls would be appropriated from the existing funds of the department of administrative services. Many departments and agencies now have 800 numbers which are readily available. To implement this bill as written would be very expensive. The cost, along with the availability of 800 numbers, caused the committee to vote this bill inexpedient to legislate. Vote 16-0.

**HB 751-FN-L**, relative to spousal benefits for certain retired group II members of the New Hampshire retirement system. **RE-REFER TO COMMITTEE**

Rep. Merton S. Dyer for Executive Departments and Administration: SB 78 of 1987 (Chapter 216 of the Laws of 1987) established a 50% spousal benefit for widows of retired members of group II of the retirement system. This bill was effective on April 1, 1987 and did not include those retired prior to that date. The bill under consideration would provide the same benefits to those retired prior to April 1, 1987. The way the bill is structured, it would double or triple the spousal benefits of those that had elected reduced benefits to provide a spousal benefit. This was not exactly what was intended and might be in violation of federal retirement rules and regulations. To answer these questions and draft an equitable bill, actuarial information will be required and will require considerable study. For these reasons the committee is asking for re-referral. Vote 18-0.

**HB 753-FN**, relative to the board of auctioneers and the conduct of auctions. RE-REFER TO COMMITTEE

Rep. Myron S. Steere, III for Executive Departments and Administration: The committee asks that this bill be re-referred to the committee to observe the actions of the Auctioneers Board and the new rules. There are some problems in the field but elimination of licensure and transfer from the Auctioneers Board to the supervision of the Secretary of State will not correct the major complaints. Their new rules and possible assistance from the Secretary of State's office in handling hearings along with the new rules may correct the problems without legislation. Vote 18-0.

**HB 762-FN**, relative to the regulation of naturopathic medicine. RE-REFER TO COMMITTEE

Rep. Gerald O. Gosselin for Executive Departments and Administration: The purpose of this bill was to define and delineate the use of the term naturopathy and naturopathic doctor. The hearing produced a great deal of testimony on both sides. The bill also has corrections of dates in the original statute chapter. With re-referral, the committee will be able to deal with the dates and have sufficient time to thoroughly act on the testimony presented to the committee. Vote 18-0.

**HB 790-FN**, relative to the board of medicine. INEXPEDIENT TO LEGISLATE

Rep. Rep. Maurice E. Goulet for Executive Departments and Administration: This bill establishes the Board of Medicine as an independent stand alone board. The committee believes that this board and all other health boards should continue to be administratively attached to the Department of Health and Human Services. This is an appropriate linkage and no testimony was presented to refute that position. The bill also provides for the hiring of an executive director and two investigators for the board. Currently, the board has a very capable administrator and the board's investigations are being done by the attorney general's office. Continuing this policy means that investigation of complaints to the board will be done in a non-prejudicial manner. Finally, the committee on Health, Human Services & Elderly Affairs has just passed HB 537 which, if it becomes law, will remove a number of health professionals from the Board of Medicine. This should result in providing the Board of Medicine more opportunity to clearly focus on the core issues that they face in the regulation of physicians, podiatrists and physicians assistants. Vote 17-1.

**HB 704**, relative to provisional licenses for manufacturers of beverages and requiring approval of the source of water used to manufacture beverages. OUGHT TO PASS WITH AMENDMENT

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: This bill insures that manufacturers will only use water in their products that comes from a source which has been approved by the department of environmental services. It also permits the department of health and human services to issue a temporary license to a new beverage manufacturer. Vote 16-0.

**Amendment (0457h)**

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-6 to read as 2-7, respectively:

1 Definition Clarified. Amend RSA 143:9 to read as follows:

143:9 Beverages and Beverage Concentrates. The term "beverage" as used in this subdivision shall include all still and carbonated drinks; fruit juices and all beverages compounded therefrom; all bottled waters, whether for medicinal or table use; and all packaged liquids intended for use in the manner of drink. Milk and unmixed products thereof, and fruit juices and waters retailed exclusively by the producer or manufacturer direct, are not included. *The term "beverage" as used in this subdivision, shall not apply to a beverage as defined in RSA 175:1, VIII.* The term "beverage concentrate" as used in this subdivision shall include all concentrated fruit juices, fruit-fla-

vored and other syrups, and compounds and mixtures in concentrated form, put up in packages for retail sale and which are intended as a basis for the preparation of a beverage. Flavoring extracts for general culinary use are not included.

**HB 234-FN-L**, relative to disposition by counties of funds of deceased patients of county nursing homes. RE-REFER TO COMMITTEE

Rep. Janet G. Wall for Judiciary and Family Law: The bill would raise the limit a patient may have in a personal account in a nursing home from \$2,000 to \$2,500 to comply with federal regulations. The process of reporting the death of a patient and probating those funds needs further review. To make certain what changes, if any, need to be made in current procedures, the committee voted unanimously to re-refer this bill. Vote 15-0.

**HB 250-FN-L**, establishing a formal hearing process for board of tax and land appeals or court appeals limited to a review of the record for certain property tax abatement applications. INEXPEDIENT TO LEGISLATE

Rep. Janet G. Wall for Judiciary and Family Law: The committee found that the bill did not make it clear how the new process would be applied in New Hampshire's cities and failed to address the issue of uniform requirements throughout the state for those applying for abatements. The full burden of responsibility for providing complete and final information and for meeting deadlines would fall onto the taxpayers without municipal officials having equal obligations. The committee believes a better process can be worked out at local levels with taxpayers and officials sharing information and meeting deadlines. Vote 12-0.

**HB 570-FN**, establishing a procedure for appointment of independent counsel in New Hampshire. INEXPEDIENT TO LEGISLATE

Rep. Alf E. Jacobson for Judiciary and Family Law: There was no evidence presented at the hearing that would require such an enlargement of the investigative capacity which cannot be accomplished by present legislative or executive functions. Vote 12-0.

**HB 616-FN**, relative to jury selection reforms. OUGHT TO PASS WITH AMENDMENT

Rep. Alf E. Jacobson for Judiciary and Family Law: The principal purpose of this bill is to blend the voters' lists and driver's license list into a master jury list. Amendment strikes Section V from eligibility list. Vote 18-0.

#### **Amendment (0517h)**

Amend the bill by deleting section 5 and renumbering the original sections 6-9 to read as 5-8, respectively.

Amend RSA 500-A:7-a as inserted by section 5 of the bill by replacing it with the following:  
500-A:7-a Qualifications for Jurors.

I. A juror shall be 18 years of age or older on or before the first day of reporting for jury duty.

II. A juror shall be a citizen of the United States and a resident of the county of jury service.

III. A juror shall have the ability to read, speak, and understand the English language.

IV. A juror shall not be subject to any physical or mental disability which would bar effective jury service.

#### **AMENDED ANALYSIS**

This bill changes the method for compiling the master jury list. The voter lists and the driver's license list will be blended annually into a master jury list by the administrative office of the courts.

This bill repeals most jury exemptions.

This bill also authorizes the chief justice of the superior court to designate one county for a "one day, one trial" pilot program, which will guarantee that each juror is required to report for jury duty on only one day and to sit on the trial of only one case.

Referred to Finance.

**HB 688-FN-A**, establishing a committee to study all investigations of the late John C. Fairbanks, authorizing staff for the committee, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Alf E. Jacobson for Judiciary and Family Law: This bill extends the work of the original Fairbanks Committee to include the judicial conduct of Fairbanks as well as some remaining questions. In addition, the role of the committee is extended to include more recent cases that are similar to that of Fairbanks. Vote 16-1.

### Amendment (0537h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study all investigations of the late John C. Fairbanks and other members of the legal profession.

Amend the bill by replacing all after the enacting clause with the following:

I Committee on Investigations of the Late John C. Fairbanks and Others.

I. There is established a committee which shall study, but shall not be limited to the study of, any and all investigations of the late John C. Fairbanks, Attorney Charles E. Chretien, and the late William M. Hibbard. The committee shall consist of 7 members of the house judiciary and family law committee, appointed by the speaker of the house.

II. The committee shall consider the scope and quality of all investigations conducted by any federal, state, or local agency, court, or judicial conduct committee.

III. The committee shall have the same investigatory powers as the general court. The committee may take evidence under oath, issue subpoenas for records, and compel testimony.

2 Meetings; Mileage. The first-named member shall call the first meeting of the committee within 30 days of the effective date of this section. The committee shall elect a chairperson at its first meeting. Committee members shall receive mileage at the legislative rate.

3 Report. The committee shall submit a report of its findings and any recommendations for legislation to the speaker of the house, the senate president, the governor, the house clerk, the senate clerk, and the state library on or before January 1, 1998.

4 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a house committee to study all investigations of the late John C. Fairbanks, attorney Charles E. Chretien, and the late William M. Hibbard.

**HB 727-FN**, relative to rate-setting for certain services, placements, and programs for children by the department of health and human services. **INEXPEDIENT TO LEGISLATE**

Rep. Carol H. Holden for Judiciary and Family Law: The bill was withdrawn at the request of the sponsor. The committee felt that the bill had merit, but passage was not recommended as the fiscal impact could not be determined Vote 13-0.

**HB 736-FN**, increasing jurors' fees. **RE-REFER TO COMMITTEE**

Rep. Evelyn S. Letendre for Judiciary and Family Law: The committee felt some time was needed to study this bill along with other new issues addressed by the Judicial Council's report of 12/15/96 concerning jury reformation. Vote 12-0.

**HB 667**, relative to confidentiality issues concerning the exchange of information between the departments of revenue administration and employment security and relative to payment of employer contributions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill allows the sharing of information between the Department of Revenue Administration and the Department of Employment Security (DES). The bill further clarifies when delinquent DES contributions are to be credited and further increases penalties from Misdemeanor to Class B or Class A Felony for failure to pay tax under RSA 282. Vote 15-0.

### Amendment (0441h)

Amend the bill by replacing section 2 with the following:

2 Contributions Received After Computation Date. Amend RSA 282-A:86 to read as follows: 282-A:86 Computation Date. The computation date shall be January 31. The total for all past years of all benefits charged as of the computation date against an employer's separate account shall be subtracted from the total of all contributions paid on an employer's own behalf and credited as of the computation date to [his] *the employer's* separate account for all past years. *Delin-*

*quent contributions received after January 31, 1997, shall be credited to the employer's separate account on the next computation or recomputation date.* If benefits so charged exceed contributions so credited, the excess shall be computed as a percent of the employer's average annual payroll which percent shall determine ~~his~~ *the* contribution rate as provided in RSA 82-A:87, II. If contributions so credited exceed benefits so charged, the excess shall be computed as a percent of the employer's average annual payroll which percent shall determine ~~his~~ *the* contribution rate as provided in RSA 282-A:87, I.

Amend RSA 282-A:166, I(c) as inserted by section 4 of the bill by replacing it with the following:  
~~HH-~~ (c) Who fails or refuses to make any such contribution or other payment having in ~~his~~ possession or control funds to do so allowing said funds to be expended for any other purpose except *payment to trade creditors* or payment of wages to employees other than corporate officers or relatives *other than for necessities*; or Referred to Criminal Justice and Public Safety.

**HB 769-FN**, relative to unemployment compensation. OUGHT TO PASS

Rep. George D. Murch III for Labor, Industrial and Rehabilitative Services: This bill requires the Department of Employment Security to withhold and deduct unemployment compensation consistent with an individual's receipt of overissuance of food stamp coupons. It also recalculates the manner in which an employer's account is credited with timely administrative contributions. This legislation is needed to satisfy newly enacted federal welfare reform. Failure to pass could jeopardize \$160 million in federal welfare funds. Vote 15-0.

**HB 807-FN**, relative to the Littleton employment security district office. INEXPEDIENT TO LEGISLATE

Rep. Richard E. Dolan for Labor, Industrial and Rehabilitative Services: This bill would cause serious hardship on the citizens this office services. There would be no appreciable savings realized by the closure of the Littleton office. Vote 15-0.

**HB 629-FN**, establishing a pilot program for the recording of committee proceedings of the general court INEXPEDIENT TO LEGISLATE

Rep. Donnalee Lozeau for Legislative Administration: The committee felt that there was a more efficient way to experiment with the recording of legislative proceedings than that envisioned by this bill. The Speaker has agreed to implement the experimental use of recording equipment to record the proceedings of the committee on Science, Technology and Energy during this biennium. This experiment should help iron out any "bugs" which may exist in the recording procedures. In the end, this will help determine the true costs and feasibility of recording House committee proceedings. Vote 12-0.

**HB 720-FN**, relative to evening hours for sessions and hearings of the New Hampshire house of representatives INEXPEDIENT TO LEGISLATE

Rep. Robert L. Wheeler for Legislative Administration: The committee felt that the cost of this bill does not have a commensurate benefit. Vote 13-0.

**HB 796-FN**, relative to lobbyist registration INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Legislative Administration: This bill is very similar to legislation filed last session which was referred to interim study by this committee - HB 385 is the result of that study. The committee chose HB 385 as the mechanism to address lobby reform this session. Vote 12-0.

**HB 507-A**, relative to the expansion of veterans' home facilities and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Lou D'Allesandro for Public Works and Highways: There is in the Capital Budget an item for the Home. The committee believes that other alternatives should be explored in order to address this problem. These alternatives may include but not be limited to actions taken by the federal government in Manchester, New Hampshire, and White River Junction, Vermont. Further discussion of this bill will take place in the context of the Capital Budget. Vote 18-1.

**HB 778-A**, relative to erosion prevention on a certain portion of the Connecticut River and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Merle W. Schotanus for Public Works and Highways: This bill was introduced to seek funding help to control a seriously eroded area of the Connecticut River bank near New Hampshire Rt. 12 in North Walpole, New Hampshire. The committee concluded it is prudent to re-refer the bill to allow the governor's office, U.S. Army Corps of Engineers, our congressional delegation, and the New England Power Company to work out a solution to the problem before it becomes necessary to take legislative action. Vote 21-0.

**HB 560-FN**, relative to penalties for introduction of boats and seaplanes from waters infested with milfoil or zebra mussels into clean lakes or ponds. RE-REFER TO COMMITTEE

Rep. Peter O. Crowell for Resources, Recreation and Development: New Hampshire public inland waters are under attack from numerous foreign growths and organisms, i.e. milfoil and zebra mussels, that are infecting the quality of our beautiful lakes, ponds, and rivers. The committee feels that it needs more time to craft meaningful legislation dealing with the migration of these organisms into the state. Vote 15-0.

**HB 561-FN**, relative to certain marine patrol personnel. RE-REFER TO COMMITTEE

Rep. Rudolf A. Adler for Resources, Recreation and Development: This bill originally sought to make the auxiliary marine patrol a required part of the Division of Safety Services and further to set the number of auxiliaries in statute. Public, subcommittee, and committee discussions made it clear that the present organization of this department within the Department of Safety required an in depth review with future corrective legislation. Vote 17-0.

**HB 581-FN**, authorizing the department of environmental services to issue permits in emergency situations, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures. RE-REFER TO COMMITTEE

Rep. Michael W. Downing for Resources, Recreation and Development: The Department of Environmental Services is currently in the process of developing a set of rules that addresses these issues. The committee wishes to re-refer this bill in order to review the rules, and if necessary, develop legislation to clarify and define the emergency permitting process. Vote 16-0.

**HB 677-FN**, increasing the wetlands excavating and dredging permit fee for major and minor projects. OUGHT TO PASS WITH AMENDMENT

Rep. William E. Williams, Jr. for Resources, Recreation and Development: This bill was originally requested by the Department of Environmental Services to allow increased personnel to more adequately process excavating and dredging permits. While there may be rules changes in the future, this bill adequately funds the necessary personnel. Vote 16-0.

#### Amendment (0496h)

Amend the bill by replacing section 1 with the following:

1 Wetlands Excavating and Dredging Permit Fee Increased for Minor and Major Projects. Amend RSA 482-A:3, I to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be \$50 for minimum impact projects. Fees for minor and major projects shall be assessed based on the area of dredge ~~(or)~~, fill, ~~or construction~~ proposed and the number of boat slips requested. The rates shall be \$100 per boat slip and ~~[\$0.025 per square foot]~~ *\$0.05 per square foot for minor projects and \$0.075 per square foot for major projects*. At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal

planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

Referred to Finance.

**HB 687, establishing an Alan B. Shepard park commission. OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Ann N. Blanchard for Resources, Recreation and Development: This bill establishes a commission to develop plans and make recommendations for a state or private park recognizing astronaut Alan B. Shepard at the site of the Shepard homestead in the town of Derry. Any future funding for implementation of this project which might involve state funds will be submitted to a future session of this legislature. Vote 17-0.

**Amendment (0448h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to develop plans for the establishment of a state or private park recognizing Alan B. Shepard at the site of the Shepard homestead in the town of Derry.

2 Membership and Compensation.

I. The 7 members of the commission shall be as follows:

- (a) Three members of the senate, appointed by the president of the senate.
- (b) Three members of the house of representatives, appointed by the speaker of the house.
- (c) The director of the division for parks and recreation, department of resources and economic development.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall:

I. Develop plans for the establishment of a state or private park recognizing Alan B. Shepard at the site of the Shepard homestead in the town of Derry which may include any plans resulting from legislation enacted in 1973, 591, and shall negotiate the terms and conditions under which a park or museum or both will be established.

II. Be responsible for recommending legislation and funding requirements as it deems necessary.

4 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

5 Repeal. Sections 1-4, relative to the Alan B. Shepard park commission, are repealed.

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2000.

II. The remainder of this act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill establishes a commission to develop plans for a state or private park at the Shepard homestead lands in the town of Derry.

**HB 698, relative to the oil discharge and disposal cleanup fund, the fuel oil discharge cleanup fund, and the motor oil discharge cleanup fund. OUGHT TO PASS WITH AMENDMENT**

Rep. Deborah F. Merritt for Resources, Recreation and Development: This bill will allow the oil fund disbursement board to request the Attorney General to issue subpoenas and request information. It will provide for eligibility for reimbursement from the oil discharge and disposal cleanup fund, the fuel oil discharge cleanup fund and the motor oil discharge cleanup fund in a transfer of ownership. These changes were a request of the Attorney General's Office. Vote 12-0.

**Amendment (0504h)**

Amend the bill by deleting section 5 and renumbering the original sections 6-10 to read as 5-9, respectively.

**AMENDED ANALYSIS**

This bill:

(a) Allows the oil fund disbursement board to request the attorney general to issue subpoenas and request information.

(b) Provides for eligibility for reimbursement from the oil discharge and disposal cleanup fund, the fuel oil discharge cleanup fund, and the motor oil discharge cleanup fund in a transfer of ownership.

(c) Provides that the board shall assume an owner's right to recover for cleanup and certain other costs, to the extent they were paid for from the fund.

(d) Adds criminal penalties.

**HB 744-FN**, relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval, and relative to the legal status of local river management advisory committees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul E. St. Hilaire for Resources, Recreation and Development: This bill better defines the legal status of local river management advisory committees. The bill also authorizes the attorney general to enjoin any youth camp, public swimming pool or spa, that operates without the approval of the Department of Environmental Services. This bill also sets the fee structure for water sampling. Vote 17-0.

**Amendment (0511h)**

Amend the bill by replacing section 1 with the following:

1 Water Samples; Injunctive Relief; Youth Camp or Public Swimming Pool. Amend RSA 485-A:26 and 27 to read as follows:

485-A:26 Swimming Pools and Bathing Places. No person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as a part of a business venture, unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the department. A fee of \$100 shall be paid to the department upon submission of such plans for review. Fees collected under this section shall be deposited with the state treasurer as unrestricted revenue. The commissioner shall adopt rules relative to safety standards to protect persons using said facilities. Nothing in this section shall be deemed to affect the powers of local health officers or the department of health and human services, with respect to nuisances. *The department may take samples of the water of any such facility for analysis to determine compliance with water quality requirements. The costs of such sampling and analysis shall be paid by the owner or operator of such facility consistent with the fee structure established in RSA 131:3-a.*

485-A:27 Injunction. Any person operating or maintaining [~~such~~] a youth camp or public swimming pool or bathing place without the same having been approved by the department may be enjoined [~~in term time or vacation;~~] by the superior court or any justice of the court upon petition brought by the attorney general.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Local River Management Advisory Committees; Government Instrumentality Status. Amend RSA 483:8-a by inserting after paragraph IV the following new paragraph:

V. In order to establish the tax exempt status of local river management advisory committees established under this section, such advisory committees are deemed to be governmental instrumentalities having a distinct legal existence separate from the state and shall not be considered as departments of state government. The exercise by a local river management advisory committee of any authority granted by this section shall be deemed to be the performance of public and essential governmental functions not otherwise fulfilled by state government.

4 Effective Date.

I. Section 3 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 1998.

## AMENDED ANALYSIS

This bill:

(a) Authorizes the department of environmental services to take water samples of public swimming pools to determine compliance with water quality requirements.

(b) Authorizes the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval of the department of environmental services.

(c) Authorizes administrative fines for violations of safety regulations regarding water pollution and waste disposal.

(d) Declares that local river management advisory boards are separate governmental instrumentalities from the state.

This bill is a request of the department of environmental services.

Referred to Finance.

**HB 587-FN**, relative to the system benefits charge and interim stranded costs recovery charges in electric utility restructuring. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The bill discusses the system benefit charge which will be added to restructured electric bills to fund programs such as low-income assistance and energy efficiency. The committee believes that it may be appropriate in the future to give additional legislative direction to the Public Utilities Commission regarding the amount and distribution of this charge, but much more study is needed. The committee will continue to work on this bill. Vote 14-0.

**HB 610-FN**, relative to the regulation of small telephone companies by the public utilities commission. RE-REFER TO COMMITTEE

Reps. Jeb E. Bradley and Jeffrey MacGillivray for Science, Technology and Energy: Two issues were raised by this bill: the amount of time needed to get new telephone tariffs approved and the amount of time needed for rate case hearings for the small telephone companies. The committee is dealing with the tariff approval in HB 452. There was no consensus on the rate case issue. An amendment was proposed that would have eliminated rate regulation if the small telephone companies do not raise rates more than 5 percent in any calendar year. While the committee was sympathetic to the plight of the small telephone companies, this amendment was not perceived as the solution. With re-referral the committee will continue to look at this situation. Vote 13-1.

**HB 335-FN-L**, relative to motor vehicle license and registration suspensions. INEXPEDIENT TO LEGISLATE

Rep. John S. Langone for Transportation: Knowing how important it is to keep people from driving after their licenses have been suspended, the committee realized that this bill just did not do what the sponsor want it to do. Vote 16-0.

**HB 412**, relative to motor carrier safety rules and repealing certain obsolete statutes relating to motor vehicles. OUGHT TO PASS

Rep. Brenda L. Ferland for Transportation: When this bill first appeared before the committee, it was worded as to seem to be giving the commissioner too much authority to amend rules as he/she wanted to. Upon further study it was determined that the commissioner wants to amend rules as they come down from the federal government. In the New Hampshire statutes he/she has the right to adopt federal amendments. This bill has three amendments that were determined to be statutes no longer needed. In short, this bill is a continued action bill for the commissioner. Vote 16-0.

**HB 589-FN**, establishing livery plates and associated fees. OUGHT TO PASS WITH AMENDMENT

Rep. John W. Flanders, Sr. for Transportation: After testimony was given, it was clear that creating a special plate was not necessary to correct the problem, which is that certain vehicles for hire were exempt from regulations. By removing that exemption in RSA 376:3 it will correct the problem the sponsors were concerned about. By doing this it changed the title but did not change the intent of the bill. Vote 17-0.

## Amendment (0541h)

Amend the title of the bill by replacing it with the following:

AN ACT removing a common carrier exemption.

Amend the bill by replacing section 1 with the following:

1 Motor Carrier Exemptions. Amend RSA 376:3 to read as follows:

376:3 Exemptions. There shall be exempt from the provisions of this chapter (1) motor vehicles while employed solely in transporting school children and teachers to or from the school for which such arrangements are within the supervision or control of the local or appropriate state school board authorities; or (2) taxicabs, ~~[and other motor vehicles having a manufacturer's rated seating capacity of not more than 7 persons;]~~ unless, after investigation, the department shall be of the opinion that the service provided is in competition with the schedules of a common carrier by highway or railroad; or (3) motor vehicles owned or operated by hotels which are used exclusively for the transportation of hotel patrons between hotels and local railroad or other common carrier stations; or (4) motor vehicles while engaged exclusively in work for any branch of the government of the United States or for any department of this state, or for any county, city, town or village; or (5) motor vehicles while engaged exclusively in the delivery of the United States mail; or (6) vans engaged in vanpooling not less than 8 people and not more than 15 people to and from work on a nonprofit basis and in which the operating costs and a reasonable vehicle depreciation cost for such vehicle are paid principally by those people utilizing such arrangement.

### AMENDED ANALYSIS

This bill removes the exemption from motor carriers of passengers laws for motor vehicles with a seating capacity of not more than 7 persons.

**HB 626**, requiring an inexperienced driver and a person 16-17 years of age to obtain a special learner's permit and examination permit prior to obtaining a driver's license. INEXPEDIENT TO LEGISLATE

Rep. Ralph L. Akins for Transportation: The committee decided to combine the subject matter in this bill with HB 459, which the committee voted to pass with amendment, and which addresses the same issues as this bill. Vote 11-0.

**HB 637-FN**, relative to license suspension and revocation. INEXPEDIENT TO LEGISLATE

Rep. John S. Langone for Transportation: The sponsor stated that this bill as drafted is not as he envisioned, and suggests that the bill be found inexpedient as it will be incorporated into HB 459, which the committee voted to pass with amendment and also addresses the same issues which are in this bill. Vote 11-0.

**HB 740-FN-L**, requiring the state to pay a witness fee and mileage payment for a local law enforcement officer called as a witness for a division of motor vehicles administrative hearing, to be funded by an increase in the motor vehicle uniform fine schedule. INEXPEDIENT TO LEGISLATE

Rep. Roland M. Turgeon for Transportation: The committee feels that there would be a costly fiscal impact especially on small towns which are operating with a small complement of officers, and also another fee on court costs. Vote 17-0.

**HB 760-FN**, relative to OHRVs and OHRV registration fees. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This committee has heard four bills this year concerning the use of OHRVs. Of those, two dealt directly with problems surrounding the use of these machines. It is clear to this committee that the Fish and Game department is being asked to do more to ensure our citizens and tourists with safe recreational opportunities 365 days a year, covering over 5,000 miles of trails, 970 lakes and 8,000 miles of highway, and these non-trail responsibilities have been the scene of many fatalities. This small increase, supported by its users, will help the state balance its books in providing that service. Vote 17-0.

### Amendment (0518h)

Amend the introductory paragraph of RSA 215-A:23, V(b) as inserted by section 5 of the bill by replacing it with the following:

(b) ~~[Forty-five percent of]~~ *From* the balance, after the deduction authorized in subparagraph (a), *\$6.30 of each resident fee or \$8.10 of each nonresident fee* shall be appropriated to the department of resources and economic development for administration of the bureau for the following:

Amend the introductory paragraph of RSA 215-A:23, V(c) as inserted by section 5 of the bill by replacing it with the following:

(c) ~~[Fifty-five percent of]~~ *From* the balance, after the deduction authorized in subparagraph (a), *\$9.70 of each resident fee or \$11.90 of each nonresident fee* shall be appropriated to the fish and game department for the following:

Amend the bill by deleting sections 2-4 and renumbering the original sections 5-8 to read as 2-5, respectively.

### AMENDED ANALYSIS

This bill:

- (a) Increases the registration fees for certain off highway recreational vehicles.
- (b) Prescribes the distribution of OHRV registration fees.
- (c) Amends the definition of antique snow traveling vehicle.
- (d) Increases the minimum amount of damage to property in an OHRV accident before requiring reporting of the accident.
- (e) Changes racing meet permits to event permits.

This bill is a request of the department of fish and game.

Referred to Finance.

**HB 780-FN**, establishing a cattle trailer license plate for agricultural use. **INEXPEDIENT TO LEGISLATE**

Rep. John S. Langone for Transportation: The committee felt that it was not necessary to create a separate plate for trailers hauling cattle. The sponsor stated that this would affect less than 200 trailers, and through testimony it seems that town clerks are not unified in their assessment of the fees charged for trailers. This bill will not correct this problem. The committee felt that there was existing RSA to handle this problem. Vote 16-0.

**HB 747-FN-A**, establishing a fund for the acquisition or care of land or easements for wildlife habitats, continually appropriating the fund, and requiring an additional fee for each hunting or fishing license to be credited to the fund. **RE-REFER TO COMMITTEE**

Rep. Ronald J. Nowe for Health, Human Services and Elderly Affairs: The intent of this bill was to assess a \$3 additional fee to each hunting and fishing license sold. The moneys raised were intended to be placed in a special "Wildlife Habitat Fund" to be used by the department of fish and game for "the acquisition or care of lands or easements as wildlife habitats". However, the bill was only one page in length, and therefore, left a multitude of unanswered questions and technicalities which must be addressed. Vote 12-0.

### REGULAR CALENDAR - PART I

**HB 340**, relative to the real estate commission and its licensing and bonding requirements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Martha Fuller Clark for Commerce: This bill, as amended, establishes reciprocity for licensure for persons with certain credentials from other jurisdictions and requires that such persons sit only for the New Hampshire portion in the licensure examination. It also establishes requirements for licensees seeking inactive status and revises the bonding requirements with regard to active licensed real estate brokers. Language in the original bill requiring that the New Hampshire real estate commission provide an annual newsletter to all its licensees and that the commission be given the power to appoint the executive director as prosecutor for certain district court cases involving violation of the Real Estate Practice Act was found inappropriate to legislate. Newsletters are not the business of the legislature. If there are difficulties with prosecutions of violations to the Real Estate Practice Act, the commission should work with the Attorney General's office. Vote 15-0.

#### Amendment (0456h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Reciprocity for Licensure. Amend RSA 331-A by inserting after section 11 the following new section:

331-A:11-a Reciprocity For Licensure. If an applicant holds an active real estate license in good standing, and issued by examination in accordance with the laws of another jurisdiction, that applicant may apply for an original New Hampshire license by first taking the New Hampshire portion of the licensing examination, provided the jurisdiction that issued such nonresident license has previously entered into a licensing reciprocity agreement which has been approved by the

commission, and provided that all of the other requirements of this chapter applicable to residents of New Hampshire have been met. This section applies to nonresident salesperson applicants only when such applicants are applying for an original New Hampshire salesperson license.

2 New Section; Inactive License Status. Amend RSA 331-A by inserting after section 12 the following new section:

331-A:12-a Inactive Licensure Status.

I. Any licensee who does not want to perform as a broker or salesperson as defined in RSA 331-A:2, and who wants to preserve the license while not engaged in any brokerage activities, including the receiving of referral fees or any other form of compensation, may surrender that license to the commission for placement on inactive status. The commission shall place the licensee on inactive status only upon application by the licensee. While on inactive status, the licensee shall renew the license biennially by satisfying the renewal requirements under RSA 331-A:19 and the continuing education requirements adopted by the commission, but is not required to maintain a place of business, or in the case of licensed broker, to maintain a surety bond pursuant to RSA 331-A:14.

II. Any licensee on inactive license status may have the license reinstated to active status by demonstrating compliance in the previous biennium with the continuing education requirements adopted by the commission and applying to change status from inactive to active, and, in the case of a licensed broker, providing evidence of a surety bond as required by RSA 331-A:14.

3 Bonding Requirements. Amend RSA 331-A:14 to read as follows:

331-A:14 Bonds. No *active* broker's license shall be issued or renewed until the applicant gives to the commission a surety bond in the form approved by the commission in a sum of not less than \$25,000, executed by the applicant and by a surety company authorized to do business in this state. The bond shall be payable to the state of New Hampshire, for the benefit of any person aggrieved, and shall be conditioned upon the faithful accounting by the broker for all funds entrusted to the broker in the broker's capacity as [a] *an active* licensed real estate broker. Any person so aggrieved may bring suit on the bond in [his] *the aggrieved person's* own name; provided, however, that the aggregate liability of the surety to all persons shall, in no event, exceed the sum of such bond. The commission may revoke the license of any *active* broker whenever the bond filed by the broker ceases to be in full force and effect.

4 Nonresidents and Reciprocity. Amend RSA 331-A:22 to read as follows:

331-A:22 Nonresidents and Reciprocity.

I. A nonresident of this state may become a [real-estate] broker or salesperson in this state by conforming to all of the conditions of this chapter applicable to residents of this state. *If an applicant already holds an active real estate license in good standing, issued by examination in accordance with the laws of another jurisdiction, that applicant need pass only the New Hampshire state portion of the licensing examination to satisfy the examination requirement for an original New Hampshire license with the state of New Hampshire, provided the jurisdiction that issued such nonresident license has previously entered into a licensing reciprocity agreement which has been approved by the commission, and provided that all of the other requirements of this chapter applicable to residents of New Hampshire have been met.*

II. Upon making application, such nonresidents shall file an irrevocable consent and power providing that legal actions may be commenced against them in the proper court of any county of this state in which a cause of action may arise or in which the plaintiff may reside by service of process or pleading authorized by the laws of this state on a member of the commission or its executive director, the consent or power stipulating that such service of process or pleading shall be taken in all courts to be valid and binding as if personal service had been made upon the nonresident in this state.

*III. This section applies to nonresident license applicants only.*

5 Effective Date. This act shall take effect January 1, 1998.

### AMENDED ANALYSIS

This bill:

I. Establishes reciprocity for licensure for persons with certain credentials from other jurisdictions and requires that such persons sit only for the New Hampshire portion of the licensure examination.

II. Establishes requirements for licensees seeking inactive status and revises bonding requirements. Adopted.

Report adopted and ordered to third reading.

**HB 548-FN**, limiting access to certain business records RE-REFER TO COMMITTEE

Rep. Gregory G. Carson for Commerce: The committee is very concerned as to possible abuse of current interstate agreements. This issue is highly sensitive and should be considered carefully. The committee desires additional time to address this legislation. Vote 16-0.

Adopted.

**HB 599-FN**, relative to youth access to tobacco products MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Gregory G Carson for the Majority of Commerce: The committee unanimously supports the limiting of youth access to tobacco products- without exception. The vote by the committee hinged on a single issue, the use of vending machines to sell tobacco products. The vote was not a partisan issue. The majority of the committee felt the strict limitations posed by this legislation eliminates vending machines as a source of tobacco products to New Hampshire youth. On passage of this legislation into law, all vending machines used to sell tobacco products will be required to have lock out devices, which, by design, cannot be left in an unlocked position and dispenses a single pack per activator. Further, the machines must be in full view of the person activating the machine and violations of this section carry the same penalties for violating any other section of this law. Lastly, this bill allows those vendors, who have already taken the proactive step and purchased the lockout equipped machines, to continue their use in accordance with New Hampshire law. Vote 8-7.

Rep. Martha Fuller Clark for the Minority of Commerce: The entire committee supports in a non-partisan manner the overall intent of this legislation which is to deny youth access to all tobacco products because of the risk of addiction, disability and death from the use of such products. However, the minority felt that a vital piece of this legislation was to ban all cigarette vending machines, a position supported by the Department of Health and Human Services.

#### Amendment (0640h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Definitions Added. Amend RSA 78:1 by inserting after paragraph XVII the following new paragraphs:

XVIII. "Licensee" means the person in whose name the license is issued.

XIX. "Sampler" means any person who distributes free tobacco products to consumers for promotional purposes.

XX. "Vending machine" means any self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco, cigarettes, or any other tobacco product.

2 Vending Machines; Fees Increased. Amend RSA 78:2, I and I-a to read as follows:

I. Each manufacturer, wholesaler, sub-jobber, vending machine operator **[and]**, retailer, **and sampler** shall secure a license from the commissioner before engaging in the business of selling **or distributing** tobacco products in this state or continuing to engage in such business. Each wholesale, sub-job and retail outlet shall have a separate license regardless of the fact that one or more outlets may be owned or controlled by a single person. Each tobacco products vending machine to be operated in this state shall be licensed by the commissioner and shall be appropriately identified as being licensed. The commissioner shall adopt rules pursuant to RSA 541-A relative to the licensing and identification of each tobacco products vending machine, and the information required in an application for a license. The commissioner shall issue a license upon application stating such information necessary to identify the outlet and the character of business transacted. The fees for licenses shall be: \$100 for a manufacturer's license; \$250 for a wholesaler's license; \$150 for a sub-jobber's license; \$70 for a vending machine operator's license; **[and \$10]** **\$50** for a retailer's license; **\$50 for a sampler's license; and \$50 for each vending machine location**, for the purpose of helping to pay the cost of administering this chapter. Each license shall be prominently displayed on the premises described in it. Any person who shall sell, offer for sale or possess with intent to sell any tobacco products without such license as provided in this section shall be subject to the penalty provisions of RSA 21-J:39.

I-a. Notwithstanding RSA 21-J:14, information regarding licenses issued pursuant to this section *and enforcement actions taken pursuant to this chapter and RSA 126-I* shall be public [record] records.

3 New Paragraph; Sign. Amend RSA 78:2 by inserting after paragraph I-a the following new paragraph:

I-b. The commissioner, when issuing or renewing a retailer's license under RSA 78:2, shall furnish a sign which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco products to persons under age 18 and the purchase, possession, or use of tobacco products by persons under age 18. Warning: violators of these provisions may be subject to a fine." The sign shall be posted at any location where tobacco products are sold or distributed. The commissioner shall adopt rules, under RSA 541-A, relative to placement of these warning signs in areas where tobacco products are sold or distributed.

4 Renewal. Amend RSA 78:4 to read as follows:

78:4 Term of License; Renewals. Licenses issued under RSA 78:2 shall expire on June 30 in each even-numbered year, unless sooner revoked or unless the business in respect to which the license was issued should change ownership. Licenses may be renewed upon signed application as provided in RSA 78:2 and upon paying the prescribed fee, *provided that a license shall not be renewed if there are unpaid fees, fines, or penalties resulting from violations of this chapter or RSA 126-I attributable to the license or the licensee.*

5 Suspension and Revocation of License. Amend RSA 78:6 to read as follows:

78:6 *Suspension and Revocation of License* by Commissioner. The commissioner may adopt rules pursuant to RSA 541-A relative to accomplishing the purpose of RSA 78. The commissioner may *suspend or* revoke any license issued under RSA 78:2 for failure to comply with the provisions of this chapter and with any rules which the commissioner may adopt. *The commissioner shall suspend or revoke any license issued under RSA 78:2 if ordered to do so pursuant to RSA 126-I.*

6 Sampler Added. Amend RSA 78:12 to read as follows:

78:12 Affixing Stamps. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form for records of all tobacco products manufactured, produced, purchased, and sold. Each manufacturer, wholesaler, sub-jobber, vending machine operator and retailer shall keep complete and accurate records of all such tobacco products. Such records shall be safely preserved for 3 years in such manner as to insure permanency and accessibility for inspection by the commissioner and [his] *the commissioner's* authorized agents. The commissioner and [his] *the* authorized agents may examine the books, papers and records of any manufacturer, wholesaler, sub-jobber, vending machine operator or retailer doing business in this state, for the purpose of determining whether the tax imposed by this chapter has been fully paid, and they may investigate and examine the stock of tobacco products in or upon any premises where such tobacco products are possessed, stored or sold, for the purpose of determining whether the provisions of this chapter are being obeyed. *Each sampler shall keep complete and accurate records of tobacco products distributed free to consumers in New Hampshire for promotional purposes. The commissioner and the commissioner's authorized agents may examine such records.*

7 Vending Machines. RSA 78:12-d is repealed and reenacted to read as follows:

78:12-d Vending Machines. No person shall sell a tobacco product by use of a vending machine, or install or maintain a tobacco vending machine with the intent of making sales, except as provided in the following paragraphs:

I. Vending machines are permitted if they are equipped with a lock-out device which prevents the machine from being operated until the person responsible for monitoring sales from the machine disables the lock. The locking device must be of a design which prevents it from being left in an unlocked condition, and which will allow only a single sale when activated. Locking devices are not required on machines located in areas where minors are prohibited by law.

II. Vending machines are allowed only in establishments where an employee or agent of the business will be present to monitor the machine when the establishment is open for business.

III. Any vending machine permissible under paragraphs I and II shall be located such that it is well within the premises and close enough to the person controlling the machine that such person can determine the age of any person requesting permission to use the machine.

IV. No sales of tobacco are permitted from a vending machine which also offers for sale any non-tobacco product.

V. Vending machine operators shall supply the commissioner with a list specifying the location of each licensed machine.

VI. Tobacco vending machines shall be posted with a sign informing customers of current state law regarding tobacco sales to minors. Tobacco vendors who sell tobacco products from a vending machine shall maintain a sign at the location where the device which operates the locking device is located which informs the clerk that it is illegal to sell tobacco products to minors.

VII. Violations of this section shall be civil infractions punishable by administrative action by the commissioner against the licensee. Fines for violations of paragraphs I-V shall be no more than \$100 for a first offense, no more than \$200 for a second offense, and no more than \$300 for a third or subsequent offense within any 2-year period. Fines for violations of paragraph VI shall be punishable by a fine of no more than \$50.

8 New Chapter; Youth Access to and Use of Tobacco Products. Amend RSA by inserting after chapter 126-H the following new chapter:

#### CHAPTER 126-I

#### YOUTH ACCESS TO AND USE OF TOBACCO PRODUCTS

126-I:1 Purpose. The purpose of this chapter is to protect the children of New Hampshire from the possibility of addiction, disability, and death resulting from the use of tobacco products by ensuring that tobacco products will not be supplied to minors.

126-I:2 Definitions. In this chapter:

I. "Cigarette" means any roll for smoking made wholly or in part of tobacco, and wrapped in any material except tobacco.

II. "Commission" means the liquor commission.

III. "Licensee" means the person in whose name a license issued pursuant to RSA 78:2 was granted.

IV. "Manufacturer" means any person engaged in the business of importing, exporting, producing, or manufacturing tobacco products who sells the product only to licensed wholesalers.

V. "Minor" means a person under the age of 18.

VI. "Person" means any individual, firm, fiduciary partnership, corporation, trust, or association, however formed.

VII. "Public educational facility" means any enclosed place or portion of such place, which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in grades kindergarten through 12. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration including, but not limited to, lounge areas, passageways, rest rooms, laboratories, study areas, cafeterias, gymnasiums, libraries, maintenance rooms, and storage areas.

VIII. "Retailer" means any person who sells tobacco products to consumers.

IX. "Sampler" means any person who distributes free tobacco products to consumers for promotional purposes.

X. "Sub-jobber" means any person doing business in this state who buys stamped tobacco products from a licensed wholesaler and who sells all the sub-jobber's tobacco products to other licensed sub-jobbers, and retailers.

XI. "Tobacco product" means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes.

XII. "Vending machine" means any self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco, cigarettes or any other tobacco product.

XIII. "Vending machine operator" means any person operating one or more tobacco product vending machines on property or premises other than the operator's own.

XIV. "Wholesaler" means any person doing business in this state who shall purchase all the wholesaler's unstamped tobacco products directly from a licensed manufacturer and who shall sell all of the wholesaler's products to licensed wholesalers, sub-jobbers, vending machine operators, retailers, samplers and those persons exempted from the tobacco tax under RSA 78:7-b.

126-I:3 Proof of Age of Purchaser.

I. For the purposes of this chapter, any person responsible for monitoring sales from a tobacco vending machine or any person making the sale of tobacco products, which vending machine or other sale is to be made to any person who does not appear to be at least 27 years of age, shall require the purchaser to furnish any of the following documentation that such person is 18 years of age or over:

(a) A motor vehicle driver's license issued by the state of New Hampshire, or a valid driver's license issued by another state, or province of Canada, which bears the date of birth, name, address and picture of the individual.

(b) An identification card issued by the director of motor vehicles under the provisions of RSA 260:21, or any picture identification card issued by another state which bears the date of birth, name and address of the individual.

(c) An armed services identification card.

(d) A valid passport from a country with whom the United States maintains diplomatic relations.

II. Photographic identification presented under this section shall be consistent with the appearance of the person, and shall be correct and free of alteration, erasure, blemish, or other impairment.

III. The establishment of all of the following facts by a person responsible for monitoring sales from vending machine or a person or sampler making a sale or distribution of tobacco products to a person under 18 years of age shall constitute prima facie evidence of innocence and a defense to any prosecution for such sale:

(a) That the person falsely represented in writing and supported by some official documents that the person was 18 years of age or older;

(b) That the appearance of the person was such that an ordinary and prudent person would believe such person to be at least 18 years of age or older; and

(c) That the sale was made in good faith relying on such written representation and appearance in the reasonable belief that the person was actually 18 years of age or over.

#### 126-I:4 Sale and Distribution of Tobacco Products to Minors Prohibited.

I. No person shall sell, give, or furnish or cause or allow or procure to be sold, given, or furnished tobacco products to a minor. The prohibition established by this paragraph shall not be deemed to prohibit minors employed by any manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer from performing the necessary handling of tobacco products during the duration of their employment.

II. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense, \$500 for the second offense, and \$750 for the third and all subsequent offenses. In addition, for the fourth and subsequent offenses, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period not to exceed the term of such license or shall be revoked as provided in RSA 78:6.

III. In addition to the civil penalty described in paragraph II, a person who violates this section shall be guilty of a violation for a first offense and a misdemeanor for each subsequent offense.

#### 126-I:5 Distribution of Free Samples.

I. No person may distribute or offer to distribute samples of tobacco products in a public place. This prohibition shall not apply to sampling:

(a) In an area to which minors are denied access.

(b) In a store to which a retailer's license has been issued.

(c) At factory sites, construction sites, conventions, trade shows, fairs, or motorsport facilities in areas to which minors are denied access.

II. The commission shall adopt rules pursuant to RSA 541-A concerning the distribution of free samples of tobacco products to prevent their distribution to minors.

III. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense, \$500 for the second offense, and \$750 for the third and all subsequent offenses. In addition, for the fourth and subsequent offenses the sampler's license shall be suspended for a period not to exceed the term of such license or shall be revoked, as provided in RSA 78:6.

#### 126-I:6 Possession and Use of Tobacco Products by Minors.

I. No person under 18 years of age shall purchase, attempt to purchase, possess, or use any tobacco product.

II. The prohibition on possession of tobacco products shall not be deemed to prohibit minors employed by any manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer from performing the necessary handling of tobacco products during the duration of their employment.

III. A minor shall not misrepresent his or her age for the purpose of purchasing tobacco products.

IV. Notwithstanding RSA 169-B and RSA 169-D, a person 12 years of age and older who violates this section shall not be considered a delinquent or a child in need of services.

V. Any minor who violates this section shall be guilty of a violation and shall be punished by a fine not to exceed \$100 for each offense or shall be required to complete up to 20 hours of community service for each offense, or both. Where available, punishment may also include participation in an education program.

126-I:7 Use of Tobacco Products on Public Educational Facility Grounds Prohibited.

I. No person shall use any tobacco product in any public school facility or on the grounds of any public educational facility.

II. Any person who violates this section shall be guilty of a violation and, notwithstanding RSA 651:2, shall be punished by a fine not to exceed \$100 for each offense.

126-I:8 Special Provisions.

I. No person shall sell, give, or furnish tobacco products to a minor who has a note from an adult requesting such sale, gift, or delivery.

II. All tobacco products shall be sold in their original packaging bearing the Surgeon General's warning.

III. The sale of single cigarettes is prohibited.

IV. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense, \$500 for the second offense, and \$750 for the third and all subsequent offenses. In addition for the fourth and subsequent offenses, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period not to exceed the term of such license or shall be revoked, as provided in RSA 78:6.

V. In addition to the civil penalty described in paragraph II, a person who violates this section shall be guilty of a violation for the first offense and a misdemeanor for each subsequent offense.

126-I:9 Enforcement Authority. The commission shall have the primary responsibility for enforcing this chapter. Local, county, and state law enforcement officers shall also have jurisdiction to enforce this chapter. Such authority may be delegated to agents working under their authority.

126-I:10 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to the hearings and appeals process and relative to the proper administration of this chapter.

126-I:11 Fines.

I. All fines imposed by any court and collected for the violation of the provisions of this chapter shall be paid to the state, county, or town, the officials of which instituted the prosecution.

II. All fines imposed by the commission shall be deposited into the general fund.

126-I:12 Penalties.

I. Violations of this chapter may be prosecuted by local, county, or state law enforcement officials.

II. The commission may issue administrative warnings and assess fines and may order the commissioner of revenue administration to suspend or revoke a license issued pursuant to RSA 78 for a specified period of time for violations of this chapter.

III. On or before April 1 of each even-numbered year, the commission shall provide the department of revenue administration with a list of the names and addresses of all persons against whom fines and penalties were assessed pursuant to this chapter and who have not paid said fines and penalties in full by the date of the list. The commission shall update the information provided to the department of revenue administration prior to June 30 of each even numbered year and thereafter as requested by the commission.

126-I:13 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

126-I:14 Preemption. Nothing in this chapter shall be construed to restrict the power of any county, city, town, village, or other subdivision of the state to adopt local laws, ordinances, and regulations that are more stringent than this chapter and RSA 78.

9 Repeal. The following are repealed:

I. RSA 78:12-b, relative to prohibition of the sale and distribution of tobacco products to persons under 18 years of age.

II. RSA 78:12-c, relative to possession of tobacco by persons under 18 years of age and misrepresentation of age for the purpose of procuring tobacco products.

10 Effective Date. This act shall take effect January 1, 1998.

Adopted.

Rep. Syracuse offered the Minority amendment.

### Amendment (0641h)

Amend the bill by replacing all after the enacting clause with the following:

1 Vending Machine Operators Deleted. Amend RSA 78:1, V to read as follows:

V. "Wholesaler" means any person doing business in this state who shall purchase all ~~[of his]~~ unstamped tobacco products directly from a licensed manufacturer, and who shall sell all ~~[of his]~~ *the wholesaler's* products to licensed wholesalers, sub-jobbers, ~~[vending machine operators,]~~ retailers, and those persons exempted from the tobacco tax under RSA 78:7-b.

2 Vending Machine Operators Deleted. Amend RSA 78:1, VII to read as follows:

VII. "Sub-jobber" means any person doing business in this state who buys stamped tobacco products from a licensed wholesaler and who sells all ~~[of his]~~ *the subjobber's* tobacco products to other licensed sub-jobbers~~[-vending machine operators,]~~ and retailers.

3 Vending Machines Deleted. Amend RSA 78:1, XI to read as follows:

XI. "Retailer" means any person who sells tobacco products to consumers~~[-and any vending machine in which tobacco products are sold]~~.

4 New Paragraphs; Definitions Added. Amend RSA 78:1 by inserting after paragraph XVII the following new paragraphs:

XVIII. "Licensee" means the person in whose name the license is issued.

XIX. "Sampler" means any person who distributes free tobacco products to consumers for promotional purposes.

5 Vending Machines Deleted; Fees Increased. Amend RSA 78:2, I and I-a to read as follows:

I. Each manufacturer, wholesaler, sub-jobber, ~~[vending machine operator and]~~ retailer, *and sampler* shall secure a license from the commissioner before engaging in the business of selling *or distributing* tobacco products in this state or continuing to engage in such business. Each wholesale, sub-job and retail outlet shall have a separate license regardless of the fact that one or more outlets may be owned or controlled by a single person. ~~[Each tobacco products vending machine to be operated in this state shall be licensed by the commissioner and shall be appropriately identified as being licensed. The commissioner shall adopt rules pursuant to RSA 541-A relative to the licensing and identification of each tobacco products vending machine, and the information required in an application for a license.]~~ The commissioner shall issue a license upon application stating such information necessary to identify the outlet and the character of business transacted. The fees for licenses shall be: \$100 for a manufacturer's license; \$250 for a wholesaler's license; \$150 for a sub-jobber's license; ~~[\$70 for a vending machine operator's license; and \$10]~~ *\$50* for a retailer's license; *and \$50 for a sampler's license*, for the purpose of helping to pay the cost of administering this chapter. Each license shall be prominently displayed on the premises described in it. Any person who shall sell, offer for sale or possess with intent to sell any tobacco products without such license as provided in this section shall be subject to the penalty provisions of RSA 21-J:39.

I-a. Notwithstanding RSA 21-J:14, information regarding licenses issued pursuant to this section *and enforcement actions taken pursuant to this chapter and RSA 126-I* shall be public ~~[record]~~ *records*.

6 New Paragraph; Sign. Amend RSA 78:2 by inserting after paragraph I-a the following new paragraph:

I-b. The commissioner, when issuing or renewing a retailer's license under RSA 78:2, shall furnish a sign which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco products to persons under age 18 and the purchase, possession, or use of to-

bacco products by persons under age 18. Warning: violators of these provisions may be subject to a fine." The sign shall be posted at any location where tobacco products are sold or distributed. The commissioner shall adopt rules, under RSA 541-A, relative to placement of these warning signs in areas where tobacco products are sold or distributed.

7 Renewal. Amend RSA 78:4 to read as follows:

78:4 Term of License; Renewals. Licenses issued under RSA 78:2 shall expire on June 30 in each even-numbered year, unless sooner revoked or unless the business in respect to which the license was issued should change ownership. Licenses may be renewed upon signed application as provided in RSA 78:2 and upon paying the prescribed fee, *provided that a license shall not be renewed if there are unpaid fees, fines, or penalties resulting from violations of this chapter or RSA 126-I attributable to the license or the licensee.*

8 Suspension and Revocation of License. Amend RSA 78:6 to read as follows:

78:6 *Suspension and* Revocation of License by Commissioner. The commissioner may adopt rules pursuant to RSA 541-A relative to accomplishing the purpose of RSA 78. The commissioner may *suspend or* revoke any license issued under RSA 78:2 for failure to comply with the provisions of this chapter and with any rules which the commissioner may adopt. *The commissioner shall suspend or revoke any license issued under RSA 78:2 if ordered to do so pursuant to RSA 126-I.*

9 New Section; Sale of Tobacco Products. Amend RSA 78 by inserting after section 12-d the following new section:

78:12-e Vending Machines Prohibited. No person shall sell a tobacco product by use of a vending machine, or install, maintain, or operate a vending machine with the intent of making such sales. In this section "vending machine" means any self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses a product.

10 Vending Machine Operator Deleted. Amend RSA 78:14 to read as follows:

78:14 Unstamped Tobacco Products. No sub-jobber[~~vending machine operator~~] or retailer, and no other person who is not licensed under the provisions of this chapter, shall sell, offer for sale, display for sale, ship, store, import, transport, carry or possess with or without intent to sell, any tobacco products not properly stamped under RSA 78:12 or 78:13, except as provided in RSA 78:12, II. This section shall not prevent any unlicensed person able to purchase unstamped tobacco products by statute from possessing such products for [his] *such person's* own use or consumption. The provisions of this section shall not apply to common carriers transporting unstamped tobacco products. Any person who violates the provisions of this section shall be guilty of a felony.

11 Vending Machine Operators Deleted. Amend RSA 78:14-a to read as follows:

78:14-a Possession of Tobacco Products of Foreign States. Licensed wholesalers[;] *and* sub-jobbers [~~and vending machine operators~~] may possess tobacco products bearing a foreign state's tax stamp or indicia with an intent to sell such products only if the licensee is currently and legitimately doing business in that state.

12 Vending Machines Deleted. Amend RSA 78:12 to read as follows:

78:12 Affixing Stamps. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form for records of all tobacco products manufactured, produced, purchased, and sold. Each manufacturer, wholesaler, sub-jobber, [~~vending machine operator~~] and retailer shall keep complete and accurate records of all such tobacco products. Such records shall be safely preserved for 3 years in such manner as to insure permanency and accessibility for inspection by the commissioner and [his] *the commissioner's* authorized agents. The commissioner and [his] *the* authorized agents may examine the books, papers and records of any manufacturer, wholesaler, sub-jobber, [~~vending machine operator~~] or retailer doing business in this state, for the purpose of determining whether the tax imposed by this chapter has been fully paid, and they may investigate and examine the stock of tobacco products in or upon any premises where such tobacco products are possessed, stored or sold, for the purpose of determining whether the provisions of this chapter are being obeyed. *Each sampler shall keep complete and accurate records of tobacco products distributed free to consumers in New Hampshire for promotional purposes. The commissioner and the commissioner's authorized agents may examine such records.*

13 New Chapter; Youth Access to and Use of Tobacco Products. Amend RSA by inserting after chapter 126-H the following new chapter:

## CHAPTER 126-I YOUTH ACCESS TO AND USE OF TOBACCO PRODUCTS

126-I:1 Purpose. The purpose of this chapter is to protect the children of New Hampshire from the possibility of addiction, disability, and death resulting from the use of tobacco products by ensuring that tobacco products will not be supplied to minors.

126-I:2 Definitions. In this chapter:

I. "Cigarette" means any roll for smoking made wholly or in part of tobacco, and wrapped in any material except tobacco.

II. "Commission" means the liquor commission.

III. "Licensee" means the person in whose name a license issued pursuant to RSA 78:2 was granted.

IV. "Manufacturer" means any person engaged in the business of importing, exporting, producing, or manufacturing tobacco products who sells the product only to licensed wholesalers.

V. "Minor" means a person under the age of 18.

VI. "Person" means any individual, firm, fiduciary partnership, corporation, trust, or association, however formed.

VII. "Public educational facility" means any enclosed place or portion of such place, which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in grades kindergarten through 12. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration including, but not limited to, lounge areas, passageways, rest rooms, laboratories, study areas, cafeterias, gymnasiums, libraries, maintenance rooms, and storage areas.

VIII. "Retailer" means any person who sells tobacco products to consumers.

IX. "Sampler" means any person who distributes free tobacco products to consumers for promotional purposes.

X. "Sub-jobber" means any person doing business in this state who buys stamped tobacco products from a licensed wholesaler and who sells all the sub-jobber's tobacco products to other licensed sub-jobbers, and retailers.

XI. "Tobacco product" means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes.

XII. "Wholesaler" means any person doing business in this state who shall purchase all the wholesaler's unstamped tobacco products directly from a licensed manufacturer and who shall sell all of the wholesaler's products to licensed wholesalers, sub-jobbers, retailers, sampler's and those persons exempted from the tobacco tax under RSA 78:7-b.

126-I:3 Proof of Age of Purchaser.

I. For the purposes of this chapter, any person making the sale of tobacco products to any person who does not appear to be at least 27 years of age shall require the purchaser to furnish any of the following documentation that such person is 18 years of age or over:

(a) A motor vehicle driver's license issued by the state of New Hampshire, or a valid driver's license issued by another state, or province of Canada, which bears the date of birth, name, address and picture of the individual.

(b) An identification card issued by the director of motor vehicles under the provisions of RSA 260:21, or any picture identification card issued by another state which bears the date of birth, name and address of the individual.

(c) An armed services identification card.

(d) A valid passport from a country with whom the United States maintains diplomatic relations.

II. Photographic identification presented under this section shall be consistent with the appearance of the person, and shall be correct and free of alteration, erasure, blemish, or other impairment.

III. The establishment of all of the following facts by a person or sampler making a sale or distribution of tobacco products to a person under 18 years of age shall constitute prima facie evidence of innocence and a defense to any prosecution for such sale:

(a) That the person falsely represented in writing and supported by some official documents that the person was 18 years of age or older;

(b) That the appearance of the person was such that an ordinary and prudent person would believe such person to be at least 18 years of age or older; and

(c) That the sale was made in good faith relying on such written representation and appearance in the reasonable belief that the person was actually 18 years of age or over.

**126-I:4 Sale and Distribution of Tobacco Products to Minors Prohibited.**

I. No person shall sell, give, or furnish or cause or allow or procure to be sold, given, or furnished tobacco products to a minor. The prohibition established by this paragraph shall not be deemed to prohibit minors employed by any manufacturer, wholesaler, sub-jobber, sampler, or retailer from performing the necessary handling of tobacco products during the duration of their employment.

II. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense, \$500 for the second offense, and \$750 for the third and all subsequent offenses. In addition, for the fourth and subsequent offenses, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, or retailer where the offense occurred shall be suspended for a period not to exceed the term of such license or shall be revoked as provided in RSA 78:6.

III. In addition to the civil penalty described in paragraph II, a person who violates this section shall be guilty of a violation for a first offense and a misdemeanor for each subsequent offense.

**126-I:5 Distribution of Free Samples.**

I. No person may distribute or offer to distribute samples of tobacco products in a public place. This prohibition shall not apply to sampling:

(a) In an area to which minors are denied access.

(b) In a store to which a retailer's license has been issued.

(c) At factory sites, construction sites, conventions, trade shows, fairs, or motorsport facilities in areas to which minors are denied access.

II. The commission shall adopt rules pursuant to RSA 541-A concerning the distribution of free samples of tobacco products to prevent their distribution to minors.

III. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense, \$500 for the second offense, and \$750 for the third and all subsequent offenses. In addition, for the fourth and subsequent offenses the sampler's license shall be suspended for a period not to exceed the term of such license or shall be revoked, as provided in RSA 78:6.

**126-I:6 Possession and Use of Tobacco Products by Minors.**

I. No person under 18 years of age shall purchase, attempt to purchase, possess, or use any tobacco product.

II. The prohibition on possession of tobacco products shall not be deemed to prohibit minors employed by any manufacturer, wholesaler, sub-jobber, sampler, or retailer from performing the necessary handling of tobacco products during the duration of their employment.

III. A minor shall not misrepresent his or her age for the purpose of purchasing tobacco products.

IV. Notwithstanding RSA 169-B and RSA 169-D, a person 12 years of age and older who violates this section shall not be considered a delinquent or a child in need of services.

V. Any minor who violates this section shall be guilty of a violation and shall be punished by a fine not to exceed \$100 for each offense or shall be required to complete up to 20 hours of community service for each offense, or both. Where available, punishment may also include participation in an education program.

**126-I:7 Use of Tobacco Products on Public Educational Facility Grounds Prohibited.**

I. No person shall use any tobacco product in any public school facility or on the grounds of any public educational facility.

II. Any person who violates this section shall be guilty of a violation and, notwithstanding RSA 651:2, shall be punished by a fine not to exceed \$100 for each offense.

**126-I:8 Special Provisions.**

I. No person shall sell, give, or furnish tobacco products to a minor who has a note from an adult requesting such sale, gift, or delivery.

II. All tobacco products shall be sold in their original packaging bearing the Surgeon General's warning.

III. The sale of single cigarettes is prohibited.

IV. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense, \$500 for the second offense, and \$750 for the third and all subsequent offenses. In addition for the fourth and subsequent offenses, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, or retailer where the offense occurred shall be suspended for a period not to exceed the term of such license or shall be revoked, as provided in RSA 78:6.

V. In addition to the civil penalty described in paragraph II, a person who violates this section shall be guilty of a violation for the first offense and a misdemeanor for each subsequent offense.

126-I:9 Enforcement Authority. The commission shall have the primary responsibility for enforcing this chapter. Local, county, and state law enforcement officers shall also have jurisdiction to enforce this chapter. Such authority may be delegated to agents working under their authority.

126-I:10 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to the hearings and appeals process and relative to the proper administration of this chapter.

126-I:11 Fines.

I. All fines imposed by any court and collected for the violation of the provisions of this chapter shall be paid to the state, county, or town, the officials of which instituted the prosecution.

II. All fines imposed by the commission shall be deposited into the general fund.

126-I:12 Penalties.

I. Violations of this chapter may be prosecuted by local, county, or state law enforcement officials.

II. The commission may issue administrative warnings and assess fines and may order the commissioner of revenue administration to suspend or revoke a license issued pursuant to RSA 78 for a specified period of time for violations of this chapter.

III. On or before April 1 of each even-numbered year, the commission shall provide the department of revenue administration with a list of the names and addresses of all persons against whom fines and penalties were assessed pursuant to this chapter and who have not paid said fines and penalties in full by the date of the list. The commission shall update the information provided to the department of revenue administration prior to June 30 of each even numbered year and thereafter as requested by the commission.

126-I:13 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

126-I:14 Preemption. Nothing in this chapter shall be construed to restrict the power of any county, city, town, village, or other subdivision of the state to adopt local laws, ordinances, and regulations that are more stringent than this chapter and RSA 78.

14 Reference to Tobacco Vending Machines Deleted. Amend RSA 186-B:10, IV to read as follows:

IV. "Vending facility" means a vending machine, cafeteria, snack bar, cart service, shelter, counter or any other facility for the vending of newspapers, periodicals, confections, ~~[tobacco products,]~~ foods or beverages, or any combination of them, whether dispensed automatically or manually, and which are prepared on or off the property.

15 Repeal. The following are repealed:

I. RSA 78:1, IX, relative to a definition of vending machine operator.

II. RSA 78:1, X, relative to a definition of licensed vending machine operator.

III. RSA 78:2, II and III relative to vending machines.

IV. RSA 78:3, relative to tampering with seals on vending machines.

V. RSA 78:12-b, relative to prohibition of the sale and distribution of tobacco products to persons under 18 years of age.

VI. RSA 78:12-c, relative to possession of tobacco by persons under 18 years of age and misrepresentation of age for the purpose of procuring tobacco products.

VII. RSA 78:12-d, relative to vending machines.

16 Effective Date. This act shall take effect January 1, 1998.

Rep. Syracuse spoke in favor and yielded to questions.

Rep. Carson spoke against and yielded to questions.

On a division vote, 156 members having voted in the affirmative and 180 in the negative, the minority amendment failed.

On a division vote, 261 members having voted in the affirmative and 76 in the negative, the majority report was adopted.

Referred to Finance.

Rep. Carney declared a conflict of interest and did not participate.

**HB 742-FN**, establishing half-price greens fees for active military and retired military personnel at the golf course at the former Pease Air Force Base **INEXPEDIENT TO LEGISLATE**

Rep. Elsa M. Luker for Commerce: The issue is who owns the course and who sets fees. The Pease Development Authority leases the property and pays upkeep; this decision is one that the P.D.A. should make and currently does. Vote 12-1.

Adopted.

**HB 275-A-L**, establishing the equipment grant program, and making an appropriation therefor. **OUGHT TO PASS**

Rep. Susan B. Durham for Education: The interim study committee that met over the summer found that schools are in dire need of up to date equipment for science and vocational programs. State bonding for such equipment is a legitimate way for the state and local schools to work together in 50-50 matches to relieve this circumstance. This bill appropriates \$16,000,000 over four years using state bonding authority. Vote 11-9.

Rep. MacGillivray requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 258 NAYS 84

### YEAS 258

#### BELKNAP

|                   |                |                    |                |
|-------------------|----------------|--------------------|----------------|
| Bartlett, Gordon  | Boriso, Thomas | Clark, Charles     | Hurt, George   |
| Laffam, Robert    | Lawton, David  | Lawton, Robert     | Pilliod, James |
| Rice, Thomas, Jr. | Rosen, Ralph   | Salatiello, Thomas | Ziegra, Alice  |

#### CARROLL

|                   |              |                |                |
|-------------------|--------------|----------------|----------------|
| Bradley, Jeb      | Cooper, Kipp | Foster, Robert | Kenney, Joseph |
| Philbrick, Donald |              |                |                |

#### CHESHIRE

|                    |                   |                     |                    |
|--------------------|-------------------|---------------------|--------------------|
| Avery, Stephen     | Bonneau, Sarah    | Burnham, Daniel     | Champagne, Richard |
| Doucette, Richard  | Hunt, John        | Lynch, Margaret     | Lynott, Margaret   |
| Manning, Joseph    | McGuirk, Paul     | McNamara, Wanda     | Meador, David      |
| Metzger, Katherine | Pratt, John       | Richardson, Barbara | Riley, William     |
| Robertson, Timothy | Royce, H. Charles | Russell, Ronald     | Smith, Edwin       |
| Steere, Myron, III |                   |                     |                    |

#### COOS

|                 |                  |                  |               |
|-----------------|------------------|------------------|---------------|
| Bradley, Paula  | Coulombe, Henry  | Coulombe, Yvonne | Davis, Perley |
| Guay, Lawrence  | Hawkinson, Marie | Horton, Lynn     | Mears, Edgar  |
| Moynihan, Wayne | Tholl, John, Jr. |                  |               |

#### GRAFTON

|                  |                    |                    |                        |
|------------------|--------------------|--------------------|------------------------|
| Almy, Susan      | Below, Clifton     | Copenhaver, Marion | Guest, Robert          |
| Hill, Richard    | LaMott, Paul       | Lovett, Sidney     | Nordgren, Sharon       |
| Phinney, William | Teschner, Douglass | Trelfa, Richard    | Williams, William, Jr. |

#### HILLSBOROUGH

|                     |                     |                  |                  |
|---------------------|---------------------|------------------|------------------|
| Ackerman, Philip    | Allen, W. Gordon    | Alukonis, David  | Amidon, Eleanor  |
| Arnold, Thomas, Jr. | Barry, William, III | Batula, Peter    | Belvin, William  |
| Bergin, Peter       | Bernier, Shannon    | Brundige, Robert | Buckley, Raymond |
| Calawa, Leon, Jr.   | Cardin, Lori        | Carlson, Donald  | Carney, Lauren   |

Chabot, Robert  
Cote, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Foster, Linda  
Ginsburg, Ruth  
Hart, Nick  
Jean, Claudette  
L'Heureux, Robert  
Leonard, Peter  
Martin, Mary  
McGough, Tim  
Milligan, Robert  
O'Rourke, Thomas  
Reidy, Frank  
Welch, Donald

Clay, Susan  
D'Allesandro, Lou  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Franks, Suzan  
Golding, William  
Herman, Keith  
Johnson, Lionel  
LaRose, Richard  
Lessard, Rudy  
McCarthy, William  
Melcher, Harold  
Morello, Michael  
Pepino, Leo  
Sargent, Maxwell  
Williams, Carol

Clemons, Jane  
Daigle, Robert  
Durham, Susan  
Fields, Dennis  
Gage, Ruth  
Gosselin, Gerald  
Holden, Carol  
Kelley, Robert  
Lefebvre, Roland  
Lynde, Harold  
McCarty, Winston  
Mercer, Robert  
Murphy, Robert  
Perkins, Paul  
Searles, Stanley, Sr.

Cote, David  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Foster, Joseph  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Holt, David  
Kurk, Neal  
Leishman, Peter  
MacAuslan, Rita  
McDonald, James, Sr.  
Messier, Irene  
O'Hearn, Jane  
Peterson, Andrew  
Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
Crosby, Toni  
Feuerstein, Martin  
Hess, David  
Lockwood, Robert  
Morrill, Olive  
Reardon, Tara  
Wallin, Jean

Brown, Mary  
Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
Marshall, Kenneth  
Nichols, Avis  
Rogers, Katherine  
Whalley, Michael

Burney, Carol  
DeStefano, Stephen  
French, Barbara  
Krueger, Patricia  
Maxfield, Roy  
Owen, Derek  
Seldin, Gloria  
Whittemore, James

Chandler, Earle  
Dunn, Miriam  
Gile, Mary  
Lamach, Bernard  
Moore, Carol  
Pfaff, Terence  
St. Cyr, Gerard  
Yeaton, Charles

### ROCKINGHAM

Battles-Peirce, Marjorie  
Christie, Andrew, Jr.  
Cushing, Robert  
Flanders, John, Sr.  
Heath, John  
Katsakiores, Phyllis  
Letourneau, Robert  
Micklon, Stephanie  
Packard, Sherman  
Stickney, Nancy  
Vaughn, Charles

Belanger, Ronald  
Clark, Martha  
Dearborn, Bruce  
Francoeur, Sheila  
Hutchinson, Rebecca  
Kelley, Jane  
Lovejoy, Marian  
Millard, Ralph  
Pantelakos, Laura  
Stritch, C. Donald  
Verani, Giovanni

Carson, Gregory  
Coes, Betsy  
Downing, Michael  
Frechette, Joseph  
Kane, Cecelia  
Langley, Jane  
McCarthy, John, Jr.  
Norelli, Terie  
Sabella, Norma  
Syracusa, Anthony  
Weatherspoon, Jackie

Case, Margaret  
Cooney, Richard  
Flanagan, Natalie  
Gleason, John  
Katsakiores, George  
Langone, John  
McGovern, Cynthia  
O'Keefe, Patricia  
Schanda, Frank  
Tufts, J. Arthur  
Welch, David

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hilliard, Dana  
Lundborn, Raymond  
Merritt, Deborah  
Rollo, Michael  
Sullivan, Henry  
Twardus, Joseph

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
McCann, William, Jr.  
Musler, George  
Smith, Marjorie  
Torr, Ann  
Vachon, Dennis

Brown, Julie  
Estabrook, Iris  
Keans, Sandra  
McKinley, Robert  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

Callaghan, Frank  
Hemon, Roland  
Knowles, William  
Merrill, Amanda  
Rogers, Rose Marie  
Spear, Barbara  
Tsiros, William

### SULLIVAN

Adler, Rudolf  
Donovan, Thomas  
Leone, Richard  
Wiggins, Celestine

Allison, David  
Ferland, Brenda  
Lindblade, Eric

Burling, Peter  
Flint, Gordon  
Palmer, Lorraine

Cloutier, John  
Krueger, Richard  
Schotanus, Merle

**NAYS 84****BELKNAP**

Boyce, Robert  
Turner, Robert

Golden, Paul  
Veazey, John

Holbrook, Robert

Thomas, John

**CARROLL**

Babson, David, Jr.  
Lyman, L. Randy

Chandler, Gene  
MacDonald, Kenneth

Dickinson, Howard, Jr.  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

**CHESHIRE**

None

**COOS**

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Guaraldi, Lawrence  
Weber, Phil

Alger, John  
Hinman, Harry

Chase, Paul, Jr.  
MacNeil, Allen

Eaton, Stephanie  
Root, John

**HILLSBOROUGH**

Boutin, David  
Clegg, Robert, Jr.  
Fenton, James  
Holley, Sylvia  
Luebker, Bernard  
Murch, George  
White, Donald

Briefs, Geoffrey  
Daniels, Gary  
Flora, Kathleen  
Jean, Loren  
MacGillivray, Jeffrey  
Riley, Frances  
Wright, George

Burke, M. Virginia  
Desrosiers, William  
Goulet, Maurice  
Letendre, Evelyn  
Marcinkowski, Michael  
Thulander, O. Alan

Christiansen, Lars  
Emerton, Lawrence, Sr.  
Hansen, Herbert  
Lozeau, Donnalee  
Mittelman, David  
Wheeler, Robert

**MERRIMACK**

Colburn, Thomas  
Leber, William

Hoadley, Elizabeth

Langer, Ray

Larrabee, David

**ROCKINGHAM**

Aranda, M. Kathryn  
Camm, Kevin  
Dowd, Sandra  
Griffin, Mary  
Kobel, Rudolph  
Morris, Debbie  
Stone, Joseph

Arndt, Janet  
Cegelis, Mark  
Dube, LeRoy  
Henderson, Warren  
Major, Norman  
Noyes, Richard  
Varrell, Thomas

Beaulieu, Jon  
Cote, Patricia  
Dunham, Vivian  
Johnson, Robert  
McKinney, Betsy  
Raynowska, Bernard  
Weyler, Kenneth

Bishop, Franklin  
Dodge, Robert  
Fesh, Robert  
Klemm, Arthur, Jr.  
Mikowski, Walter  
Smith, Kevin  
Woods, Deborah

**STRAFFORD**

Bickford, David

**SULLIVAN**

None

and the report was adopted.

Rep. Thomas voted nay and intended to vote yea.

Reps. Hunter and Simmons did not vote and wished to be recorded in favor.

Referred to Finance.

**HB 525-L**, relative to Braille instruction for functionally blind pupils. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair A. Snyder for Education: This bill provides for Braille instruction for the functionally blind student under special education I.E.P.'s for whom other methods are insufficient for them to become literate and to therefore become gainfully employed. Vote 14-2.

**Amendment (0523h)**

Amend the bill by replacing section 2 with the following:

2 New Section; Special Education Services; Braille Literacy for Functionally Blind Pupils. Amend RSA 186-C by inserting after section 7-a the following new section:

186-C:7-b Braille Instruction for Functionally Blind Pupils. In developing the individualized education program for a functionally blind pupil, there shall be:

I. A presumption that proficiency in Braille reading and writing is essential for the pupil's satisfactory educational progress. Every functionally blind pupil shall be entitled to Braille reading and writing instruction unless all members of the pupil's special education team concur that instruction in Braille or the use of Braille is not appropriate for the pupil.

II. Instruction in Braille shall be provided by a teacher certified by the state department of education to teach pupils with visual impairment.

III. An initial learning media assessment by a teacher certified in the education of pupils with visual impairment shall be conducted. This assessment shall be conducted every 3 years and re-viewed annually.

Adopted.

Report adopted and referred to Finance.

**HB 538**, requiring every pupil receiving state-funded scholarships or grants for postsecondary education to pass a drug test as a condition for receiving such funds, and requiring repayment of such moneys upon conviction of a drug-related offense. **RE-REFER TO COMMITTEE**

Rep. Bernard J. Luebker for Education: The majority of the committee strongly support the intent of this bill, but saw several defects which would need to be fixed in order for it to be effective. The intent is to send an unambiguous message of disapproval to New Hampshire Scholarship funded students concerning violations of the state's drug and alcohol laws. Vote 13-4.

Adopted.

**HB 577-FN-A-L**, relative to funding statewide kindergarten and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Susan B. Durham for Education: The committee vote is not against kindergarten, rather turning down this bill is a way to bring order to debate. The Governor's kindergarten bill HB 50-FN-A-LOCAL should have the debate. A subcommittee has been appointed which will consider all ideas about achieving kindergarten for all 5 year olds in New Hampshire, incorporating useful ideas from HB 577-FN-A-LOCAL into HB 50-FN-A-LOCAL. Vote 16-1.

Adopted.

**HB 601-FN-A**, to develop a statewide technology program for educational institutions and establishing a 5 percent tax on video rentals to fund the program. **INEXPEDIENT TO LEGISLATE**

Rep. Michael Marcinkowski for Education: Although the intent is laudable, the bill introduces a new and discriminatory tax against one segment of the entertainment industry, video rentals, and not the entertainment industry in general. It also taxes the segments of the population least able to bear additional surcharges, the low and middle income families who look to video rentals as a means of entertaining their families. Additionally it would in fact not raise sufficient funds for its stated purpose. Vote 14-5.

Adopted.

**HB 612-FN**, requiring the state board of education and the department of education to establish suitable tests of academic knowledge to be administered as a prerequisite for certification of new teachers in New Hampshire. **RE-REFER TO COMMITTEE**

Rep. Jane O'Hearn for Education: The committee's vote to re-refer recognized that it is the responsibility of the State Board of Education to adopt rules pursuant to the certification of teachers. Therefor, the committee can request, by a majority vote, to be put on the agenda for a meeting with the State Board of Education asking that this issue of testing for certification be addressed by the state board. A motion was introduced and passed by the committee for the purpose of addressing the State Board of Education, to achieve a suitable test of academic knowledge for New Hampshire's public school teachers. Vote 13-7.

Adopted.

**HB 613-FN-A-L**, establishing a flat county property tax to fund basic education. INEXPEDIENT TO LEGISLATE

Rep. Phil A. Weber for Education: The House Finance Committee will be studying alternative forms of funding public education. Bills establishing new taxes in any form are issues best left to the Finance Committee. Vote 17-3.

Adopted.

**HB 656-L**, repealing the provision which requires the state board to approve schools before a district is qualified to receive state aid to education. INEXPEDIENT TO LEGISLATE

Rep. Stanley N. Searles, Sr. for Education: It is believed that the state approval of schools is a very necessary step in maintaining the state's minimum education standards. Despite school district financial hardship, removing minimum standards moves New Hampshire in the wrong direction in achieving an adequate education for all New Hampshire pupils. Vote 17-3.

Adopted.

**HB 661-FN-L**, allowing high school pupils to attend the public secondary school of their choice. INEXPEDIENT TO LEGISLATE

Rep. Jane O'Hearn for Education: This bill deals with open enrollment which is presently addressed in RSA 194-B:2. This bill would make open enrollment mandatory and causes concerns with funding from sending districts to receiving districts, violation of AREA agreements, and raises questions of continuous enrollment in a receiving school. Vote 14-3.

Adopted.

**HB 700-FN**, relative to the renovation of regional vocational education centers. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley Searles for Education: A number of New Hampshire's twenty Vocational High Schools are in need of renovation and/or construction. The cost in today's technical society is more than the local communities can bear. This bill offers the opportunity to keep the States original investment in a proper state. This bill increases an existing non-lapsing appropriation by \$24,000,000. Vote 15-6.

#### Amendment (0558h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the renovation of regional vocational education centers and making an appropriation therefor.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Appropriation Increased; Renovation Added. Amend RSA 188-E:10 to read as follows:

188-E:10 [~~Construction~~] Appropriation *for Construction and Renovation*. The treasurer of the state of New Hampshire is hereby authorized to make available to the department of education for purposes of constructing *and renovating* regional vocational education centers an amount not to exceed [~~\$85,000,000~~] *\$109,000,000*. This appropriation shall be nonlapsing. Authorization for expenditures of such funds shall be made by the department of education to the treasurer in accordance with this chapter. The treasurer is authorized to issue bonds in accordance with the provisions of RSA 6-A for the purpose of funding this appropriation.

#### AMENDED ANALYSIS

This bill authorizes grants for the renovation of regional vocational centers, as well as for the construction of such centers.

The bill also appropriates an additional \$24,000,000 for construction and renovation of regional vocational centers.

Adopted.

On a division vote, 244 members having voted in the affirmative and 91 in the negative, the report was adopted.

Referred to Finance.

**HB 779-FN**, proclaiming 1999 as the "year of public education" in New Hampshire and establishing the 350th anniversary of public education celebration commission. INEXPEDIENT TO LEGISLATE

Rep. Bernard J. Luebker for Education: The majority of the committee, while recognizing the prominent role of public education to societal advancements in the United States, were concerned with several aspects of this bill such as: New Hampshire was part of Massachusetts at the time of the formation of the Hampton Public School in 1649; historical start of "Public Schools" may have been during the 1800's; and that such celebration would be another distraction from the pursuit of contemporary education. Vote 13-5.

Rep. Cushing spoke against.

Rep. O'Hearn spoke in favor.

Adopted.

**HB 784-FN-L**, changing the age requirements for providing public education, including special education. RE-REFER TO COMMITTEE

Rep. Phil A. Weber for Education: Special Education has become the paramount issue in public education. The committee wants to earnestly and comprehensively study all aspects of Special Education and this bill affords us such an opportunity. Vote 14-1.

Adopted.

**HB 187-FN-A**, relative to groundwater monitoring for pesticides and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Harold P. Melcher for Environment and Agriculture: This bill makes provision to prevent groundwater pollution before it becomes significant. Vote 18-0.

#### Amendment (0576h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to groundwater monitoring for pesticides.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Rulemaking Added; Groundwater Protection Plan. Amend RSA 430:31, IV by inserting after subparagraph (w) the following new subparagraph:

(x) Development and administration of state management plans to protect groundwater from pesticide contamination, for pesticides that are classified as restricted-use under the Federal Insecticide, Fungicide, and Rodenticide Act section 3(d)(1)(C)(ii) subject to restrictions under United States Environmental Protection Agency approved management plans funded through the fund established in RSA 430:34, V.

2 New Subparagraph; Groundwater Samples. Amend RSA 430:43, VI by inserting after subparagraph (b) the following new subparagraph:

(c) Samples in conjunction with management plans to protect groundwater from pesticide contamination, including soil, surface waters, monitoring wells, and other wells;

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill allows the pesticide control board and the division of pesticide control to develop plans for protection of groundwater from certain pesticides to be funded through the fund established in RSA 430:34, V.

Adopted.

Report adopted and ordered to third reading.

**HB 191**, reducing the number of categories of pesticides from 3 to one. OUGHT TO PASS

Rep. David J. Babson Jr. for Environment and Agriculture: The committee felt that a return to a single category of pesticide registration was the simplest and least expensive program to operate for the state. Further, the committee felt there was no need to separate "commercial" and "general use" pesticides for the purpose of registration. Vote 13-5.

Adopted and ordered to third reading.

**HB 207-FN-A**, relative to pesticide registration fees and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Betty B. Hall for Environment and Agriculture: The subject matter of this bill is dealt with in HB 191. The committee wishes to retain this bill for future consideration. Vote 13-6.

Adopted.

**HB 638-FN**, requiring random on-site inspection and testing of certain sludge and biosolid samples. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter R. Leishman for Environment and Agriculture: The committee received much testimony regarding random on-site inspection of sludge or biosolids, and agree with the thrust of the bill that the department of environmental services is the appropriate state agency to oversee and to conduct random test before land application of sludge or biosolids. Vote 18-0.

**Amendment (0529h)**

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1 and 2 to read as 2 and 3, respectively:

1 Septage and Sludge Permit System; Fee for Random Testing Program Added. Amend RSA 485-A:4, XVI-a to read as follows:

XVI-a. To regulate the removal, transportation, and disposal of septage and sludge through administration of a permit system. As a condition of any permit issued under this chapter, the department may require payment of a reasonable fee, established by rules adopted under RSA 485-A:6, X-a. *A portion of the fee, as determined in rules adopted by the commissioner, shall be used for the purposes of the random testing and inspection program established in paragraph XVI-b.* The remainder of the funds collected under this paragraph shall be deposited with the treasurer as unrestricted revenue.

**AMENDED ANALYSIS**

This bill requires the commissioner of the department of environmental services to implement a program of random on-site inspection of sludge or biosolid samples before any land application by persons obtaining a permit for land application of sludge or biosolids. This bill also allows for a portion of the septage and sludge permit fee to be used for purposes of the program.

Adopted.

Report adopted and referred to Finance.

**HB 731-FN-A-L**, relative to the taxation of sand, gravel, loam, and other similar substances. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Donald R. Philbrick for the Majority of Environment and Agriculture: The committee felt that although there was a shortness of time to deal with this bill, it was important to keep this bill going forward. This bill has been studied for two summers, a law was suspended to accommodate this process, and there is a great need to resolve the issues contained in this bill. This committee dealt with the policy issues and now the bill needs to go to the appropriate committee to deal with the fiscal issues. Vote 14-5.

Rep. Betty B. Hall for the Minority of Environment and Agriculture: This bill replaces local tax assessing powers with regard to sand and gravel with an excavation and an activity tax. The committee did not have time to study the environmental impact. The taxes will change incentives and disincentives to remove sand and gravel from our towns. The bill should also be reviewed by the Local and Regulated Revenue Committee. Only after both committees have had adequate time to recommend policy and the house concurs should the bill go to the Finance Committee.

**Amendment (0546h)**

Amend RSA 72-B:3 as inserted by section 2 of the bill by replacing it with the following:

72-B:3 Release from Taxes. The following excavations of earth shall not require filing an intent to excavate, or be subject to the taxes imposed by this chapter:

I. Any excavation of earth from a parcel of land that is put back on the parcel, or other parcel that is contiguous and in common ownership, in the construction, reclamation, reconstruction, or alteration of such parcel of land.

II. Excavation by the federal government, state government, cities, towns, school districts, and other political subdivisions which remove earth for their own use, on lands under their ownership and within their own jurisdiction.

III. Excavation of earth that is used exclusively for the agricultural or forest management of the owner.

Amend RSA 72-B:13 as inserted by section 2 of the bill by replacing it with the following:

72-B:13 Appeal and Abatement. An owner may, within 90 days of notice of the excavation tax, appeal to the assessing officials in writing for an abatement from the original assessment, but no

owner shall be entitled to an abatement unless such owner has complied with the provisions of RSA 72-B:8 and 72-B:9. If the assessing officials neglect or refuse to abate, an owner may, at the owner's election within 6 months of notice of such tax and not afterwards, petition the superior court of the county where the operation took place, or the appeals board as provided for in RSA 72-B:14. The petition to the appeals board shall be filed with the commissioner.

Amend RSA 72-B:17, I as inserted by section 2 of the bill by replacing it with the following:

I. The department shall administer and enforce this chapter, be responsible for educating municipal officials regarding the chapter, and have enforcement authority in regard to the proper filing of the permit to excavate form under RSA 72-B:8, authority to check on the volumes turned in on the report of excavated materials form under RSA 72-B:9, the authority to issue cease and desist orders, the authority to monitor the operational and reclamation standards contained in RSA 155-E:4-a, 5 and 5-a, and the authority to rescind the certificate issued pursuant to RSA 72-B:8 of any excavation in violation of such standards. The department shall otherwise assist the towns, cities and unorganized places in the enforcement of this chapter. It is the intent of this section to authorize the commissioner and the commissioner's agents to have enforcement authority and the right to stop any operation in violation of RSA 72-B and to report the same to local authorities. Any person failing to comply with a cease and desist order issued under this section shall be guilty of a misdemeanor.

Adopted.

Majority report adopted and referred to Finance.

Rep. Ann Torr declared a conflict of interest and did not participate.

**HB 771-FN-A-L**, exempting remediation waste from the hazardous waste generator fee, increasing grant awards made pursuant to the used oil collection center program and relative to the hazardous waste disposal facility siting board. **OUGHT TO PASS WITH AMENDMENT**

Rep. M Kathryn Aranda for Environment and Agriculture: This bill, as amended, recognizes the need for both retrospective and future increases in funding for used oil collection centers and lowers the automotive oil fee to \$.02 per/gallon. This lower fee level will not deter the department's operations in this area. Vote 19-0.

#### Amendment (0499h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to hazardous waste operator permit application costs, adding an exemption to the hazardous waste cleanup fund fee, increasing grant awards made pursuant to the used oil collection center program, and relative to the automotive oil fee.

Amend the bill by replacing all after the enacting clause with the following:

I Hazardous Waste Operator Permits; State Costs Exceeding Permit Fee. Amend RSA 147-A:4, II to read as follows:

II. A permit application fee not to exceed \$5,000 shall accompany each permit, permit modification, and permit renewal application. The amount of the fee shall reflect the relative effort necessary for review of the application. Permit application fees shall be used by the department for review of applications. In addition to the application fee, the applicant shall be responsible for all reasonable hearing costs incurred by the department. State costs which exceed the [~~\$5,000~~] permit application fee shall be charged monthly to the applicant at an hourly rate which includes, but is not limited to, staff salaries and benefit costs, current operating expenses, legal costs and travel. The hourly rate shall also be used to calculate any department costs associated with implementing and enforcing the terms and conditions of a permit issued by the department. Permit fees received by the department under this section shall be placed in the hazardous waste cleanup fund as established under RSA 147-B:3, shall be accounted for separately and shall be used in processing applications and enforcing and implementing conditions of a permit.

2 New Paragraph; Exemption From Fees Added. Amend RSA 147-B:9 by inserting after paragraph III the following new paragraph:

IV. Wastes resulting from the remediation of environmentally contaminated properties by persons who meet one of the following eligibility criteria:

(a) The person is not liable under RSA 147-B for any release or threatened release of a contaminant or contaminants at the property and is either:

(1) A prospective purchaser of environmentally contaminated property, or

(2) A person who holds a mortgage interest or other security interest in environmentally contaminated property, including a municipality with respect to property on which there are overdue real estate taxes due to the municipality.

(b) The person is a current owner of environmentally contaminated property, whose liability under RSA 147-B is based solely on the person's status as owner, who did not generate the hazardous waste which constitutes the contamination on the property, and who has not operated, managed, or controlled, either directly or indirectly, the hazardous waste facility on the property.

3 Collection Center Grants. Amend RSA 147-B:13, I(a) to read as follows:

(a) Award grants *of up to \$2,500 to a political [subdivisions] subdivision* of the state to pay ~~[no more than \$1,500 of]~~ for the cost of establishing or improving used oil collection centers at public facilities such as fire stations, police barracks, highway departments, county garages, solid waste facilities or other suitable public locations; and provide technical assistance to persons who organize such programs. ~~[If the cost of establishing or improving any such used oil collection center is \$1,500 or less, the department shall award a grant for the entire cost.]~~ In providing funding under this subparagraph, priority shall be given to *reimburse political subdivisions that have established a collection center under this program followed by* political subdivisions without public collection centers followed by political subdivisions that have inadequate collection centers. *Political subdivisions that use the same center may combine their awards, but in no case shall the amount awarded to a collection center exceed \$5,000.*

4 Automotive Oil Fee Changed in 1998. Amend RSA 147-B:12, I to read as follows:

I. A fee of ~~[\$.01]~~ \$.02 per gallon of automotive oil shall be assessed at the time of import to this state. Persons licensed under RSA 146-A:11-b, II shall be liable for payment of this additional fee which shall be collected and enforced by the department of safety in the manner described in RSA 146-A:11-b. The department may waive all or any portion of penalties or interest for good cause. All fee revenues shall be deposited in the hazardous waste cleanup fund in accordance with RSA 147-B:6, I-d.

5 Position Authorized; Reference Deleted. Amend 1994, 364:12 to read as follows:

364:12 Positions Authorized; Motor Vehicle Prohibition. The department of environmental services may use revenues collected under RSA 147-B:12 to employ a waste management specialist III. The department may also use such revenues ~~[until June 30, 1998;]~~ to employ a waste management specialist II. The revenues shall not be used to purchase any motor vehicles.

6 Effective Date.

I. Section 4 of this act shall take effect July 1, 1998 at 12:01 a.m.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill:

(a) Clarifies the costs charged to an applicant for a hazardous waste operator permit.

(b) Exempts certain wastes resulting from remediation of contaminated property from the hazardous waste cleanup fund fee.

(c) Increases the grant awards available to municipalities in the used oil collection center program.

(d) Amends the automotive oil fee in 1998 and provides for continuation of a position funded by the fee.

This bill is a request of the department of environmental services.

Adopted.

Report adopted and referred to Finance.

**HB 588-FN**, relative to certification of operators of solid waste plants, water treatment plants and wastewater treatment plants, and adding late renewal fees. OUGHT TO PASS WITH AMENDMENT

Rep. James P. Pilliod for Executive Departments and Administration: This bill amends RSA 149-M:6 XIII to make certification of solid waste operators to be renewed annually and would require a late fee if not renewed in a timely fashion. RSA 332-E:4,II-V would be amended to increase certification fees for water treatment operators and provide for a late renewal penalty. Wastewater treatment operators would also have a late renewal fee imposed Vote 18-0.

**Amendment (0415h)**

Amend RSA 332-E:6, II and III as inserted by section 5 of the bill by replacing them with the following:

II. Renewal, when appropriate, shall be on a biennial basis.

III. Certificates shall be renewed every 2 years unless revoked for cause, replaced by one of the higher grade, or invalidated.

Adopted.

Report adopted and referred to Finance.

**HB 725-FN**, relative to the certification of dietitians. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew R. Peterson for Executive Departments and Administration: The committee heard from 23 witnesses over a morning long hearing on this bill, which has been considered in various forms and rejected by the legislature thrice since 1987 (most recently in the form of a licensure bill in 1995). This bill required certification (as opposed to licensure) and yet contains many of the exclusionary (monopoly) aspects which were previously found problematic. The dietitians could not show any documented evidence of harm to public health and safety. The present system allow for voluntary certification by the American Dietetic Association. The ADA grants the title, RD, (Registered Dietitian) upon fulfilling certain education and clinical requirements. The title, which can be withdrawn by the ADA for cause, represents a level of professional standing analogous to the status of a CPA vis-à-vis a public accountant. The committee felt that nutritionists, who are also certified by a national organization, were due greater consideration in any measure upgrading the status of food health professionals, if, in fact, one is necessary at all. The bill affords dietitians the exclusive right to use the term "N.H. Certified Nutritionist". This would create a potentially confusing situation with regard to the certified nutritionists that are currently in practice. It would legislate, in the opinion of the committee, undue official recognition towards one group of professionals over another operating in the same field. Vote 11-2.

Adopted.

**HB 756-FN**, relative to the registration of alternative providers of mental health services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill is one result of the committee's study of HB 357 from the prior session. "Alternative provider" is broadly defined under RSA 330-A, the Mental Health Practice Act. Such providers who are non-licensed and non-certified are to register with the Department of Health and Human Services, Office of Program Support, Licensing & Regulations which will oversee rulemaking and disciplinary action. The amendment deletes a requirement for "disclosure of information", an issue currently under consideration in other mental health provider bills. Vote 11-3.

**Amendment (0531h)**

Amend the bill by deleting RSA 330-A:34 as inserted by section one of the bill and renumbering the original RSA 330-A:35-37 to read as RSA 330-A:34-36.

Amend RSA 330-A:34, VI-VIII as inserted by section 1 of the bill by replacing them with the following:

VI. The imposition of administrative fines authorized under RSA 330-A:36, III(c).

VII. Providing notice by appropriate publication to persons subject to this subdivision of the enactment of this subdivision.

Adopted.

Report adopted and referred to Finance.

**HB 775-FN-A**, relative to the regulation of ophthalmic dispensing and making an appropriation therefor. **WITHOUT RECOMMENDATION**

Reps. Merton S Dyer, Nancy C. Stickney, Andrew R. Peterson, Myron S. Steere, III, Kipp A. Cooper, Ray F. Langer, John P. Beaulieu, Howard C. Dickinson, Jr., Maurice E. Goulet and Robert S. Mercer for Executive Departments and Administration: This bill is being reported out without a recommendation as the committee had 2 tie votes, re-refer and ought to pass, with very little indication that further votes would resolve the issue for a positive report. This bill has been before the committee in the past and an attempt was made to work out a viable compromise between the

various parties. The present bill is not in proper form to pass, but with the time remaining, it was impossible to go back to the drawing board. Among the problems that some members of the committee see in the bill are that one member of the board of ophthalmic dispensing will come from the New Hampshire Society of Independent Opticians. This organization is not registered with the secretary of state and little is known about it. The bill grandfatheres those who have practiced for at least two years prior to January 1, 1998, but what happens to those that made a large financial investment after January 1, 1996 but will not be able to practice their chosen trade? A larger issue: will certification with continuing education produce better quality control and will there be an increased cost to the consumer or a restriction of services because of these changes Vote 10-10. Reps. Miriam D. Dunn, Sylvia A. Holley, Robert K. Dodge, James P. Pilliod, Robert P. Asselin, Timothy N. Robertson, Robert E. Murphy, Gerald O. Gosselin, Theresa A. Drabinowicz and Mary Stuart Gile for Executive Departments and Administration: Ophthalmic dispensers (opticians) are now registered by the department of health and human services with an advisory council to the commissioner. There are no requirements for education or training for the filling of eye glass prescriptions issued by ophthalmologists and optometrists. This bill requires certification with, for the first time, education, job-training and an examination. Certification is supported by New Hampshire independent opticians, by the New Hampshire Medical Society, by the Opticians Association of America, by over 100 consumer signed petitions - as well as by 8 sponsors, bi-partisan, from the house and senate. It is opposed once again by the large chains. The public deserves qualified opticians.

Rep. Dunn moved Ought to Pass, spoke in favor and yielded to questions.

Rep. Hunt spoke against.

Rep. Sargent spoke in favor.

Rep. Goulet spoke against and yielded to questions.

On a division vote, 171 members having voted in the affirmative and 176 in the negative, the motion failed.

Rep. Dyer moved Inexpedient to Legislate.

On a division vote, 192 members having voted in the affirmative and 158 in the negative, the motion was adopted.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Holt moved that the House reconsider its action whereby it adopted Inexpedient to Legislate on **HB 775**, relative to the regulation of ophthalmic dispensing and making an appropriation therefor.

Reconsideration failed.

### REGULAR CALENDAR - PART I (CONT'D.)

**HB 785-FN**, relative to alcohol and other drug abuse professionals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill upgrades the certified alcohol and other drug abuse professionals and establishes a board of licensure. The amendment administratively attaches the board to the office of the commissioner of the department of health and human services. It also addresses other areas of a technical nature: 1) the confidentiality issues by inserting "unless otherwise required by law", 2) provides in statute protection that applies to child abuse laws, and 3) clarifies the counselor/client sexual relations issue to agree with other statutes in the mental health services. Vote 11-7.

### Amendment (0535h)

Amend RSA 330-C:3, XVII as inserted by section 1 of the bill by replacing it with the following:

XVII. "Practice of substance abuse counseling" is the rendering or offering to render professional service for any documented fee or other consideration to individuals, families, or groups. Those professional services include the application of the specific knowledge, skills, counseling theory, and application of techniques to assess, diagnose, define goals, and develop a treatment plan of action aimed toward prevention, education, or treatment in the recovery process of substance abuse within the continuum of care service network. The practice further includes but is not limited to networking and making referrals to medical, social services, mental health services, psychiatric, or legal resources when so indicated.

Amend RSA 330-C:4, III as inserted by section 1 of the bill by replacing it with the following:

III. A person who violates the provisions of this section shall be guilty of a misdemeanor, and each violation shall be deemed a separate offense. The board may enforce the provisions of paragraph II by seeking injunctive relief from the superior court.

Amend RSA 330-C:6, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The term of office shall be 3 years. Any person appointed to fill a vacancy shall fill the unexpired term of office. Upon expiration of the term of office, a member shall continue to serve until a successor has been appointed and qualified. No person shall be appointed for more than 2 consecutive 3-year terms.

Amend RSA 330-C:7-14 as inserted by section 1 of the bill by replacing them with the following:

330-C:7 Administrative Attachment. The board shall be an administratively attached agency under RSA 21-G:10 to the office of the commissioner of the department of health and human services.

330-C:8 Rulemaking; Powers and Duties of the Board.

I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Qualifications of alcohol and drug abuse counselors including, but not limited to:

- (1) Education and training.
- (2) Experience required.
- (3) Required knowledge of alcohol and drug abuse counseling.
- (4) Adherence to ethical standards.
- (5) Continuing education and renewal.
- (6) Test requirements.

(b) Qualifications of clinical supervisors including, but not limited to:

- (1) Education and training.
- (2) Experience required.
- (3) Licenses required.
- (4) Required knowledge of clinical supervision.
- (5) Continuing education and renewal.
- (6) Testing requirements.

(c) The imposition of administrative fines authorized under RSA 330-C:13, III(h);

II. The board shall establish peer advisory committees to carry out the testing requirements of this chapter in accordance with rules adopted pursuant to RSA 541-A.

III. The board shall be responsible for all disciplinary procedures under this chapter in accordance with rules adopted pursuant to RSA 541-A.

IV. The board shall adopt rules pursuant to RSA 541-A for any other matters as may be necessary for the administration of this chapter, including but not limited to:

(a) The criteria and process for recognizing educational institutions.

(b) Fees, renewal fees, late renewal fees and any other additional application requirements for licenses.

(c) Adjudicative procedures for all hearings conducted by the board.

330-C:9 Licenses.

I. The board shall issue a clinical supervisor license or an alcohol and drug counselor license, whichever is appropriate, to an applicant who files an application, pays the required fee, and meets the qualifications established under RSA 330-C:8.

II. An applicant shall prove to the board's satisfaction all of the following:

(a) For licensure as an alcohol/drug counselor (LADC):

- (1) 6,000 hours of supervised alcohol and drug abuse work experience.
- (2) 270 hours of training and education.
- (3) 300 hours of supervised practical training, which may be included as part of the requirements under subparagraph (a)(1).

(4) Passing of written ICRC test.

(5) Passing of oral ICRC test.

(6) Passing of ICRC written test for clinical supervisors.

(b) For licensure as a clinical supervisor (LCS):

(1) Licensure as an alcohol and drug counselor.

(2) 10,000 hours experience as an AODA counselor.

(3) 4,000 hours of experience as a clinical supervisor in alcohol and drug abuse specialty, which may be included in the experience as part of the requirements under subparagraph (b)(2).

(4) Minimum 200 hours of face-to-face clinical supervision.

(5) 30 hours of training in clinical supervision covering assessment, evaluation, counselor development, management, administration, and professional responsibility.

(6) Passing of International ICRC written test for clinical supervisors.

(c) United States citizenship or status as a legal resident alien.

(d) Absence of a sanction from the National Association of Alcohol and Drug Abuse Counselors, or from a state agency for a violation of a code of ethics, or other related state board sanctions which shall be waived by the board upon presentation of satisfactory evidence that such sanction does not impair the availability of the person to conduct with safety to the public the practice authorized by this chapter. The applicant shall bear the burden of proving that the sanction does not impair the applicant's ability to conduct with safety to the public the practices authorized by this chapter.

(e) That the applicant has not been convicted of a felony in any jurisdiction. A person may be licensed in spite of a felony conviction if the board, upon presentation of satisfactory evidence, finds that such conviction does not impair the ability of the person to conduct with safety to the public the practice authorized by this chapter. The applicant shall bear the burden of proving that the conviction does not impair the applicant's ability to conduct with safety to the public the practices authorized by this chapter.

(f) That the applicant has not been declared mentally incompetent by any court, and, if so, that there has been a subsequent court determination that the applicant is competent.

(g) Freedom from use of any controlled substance or any alcoholic beverages to the extent that the use impairs the ability of the applicant to conduct with safety to the public the practices authorized by this chapter. The applicant shall bear the burden of proving that the applicant is free from use of any controlled substance or any alcoholic beverage which impairs the applicant's ability to conduct with safety to the public the practices authorized by this chapter.

III. The board shall license any applicant who is similarly licensed in another state, provided the other state's licensing requirements are substantially equivalent to or greater than those of this state.

#### 330-C:10 Fees and Renewals.

I. Licenses shall be renewed every 24 months after initial licensure upon payment of a fee.

II. Licensees shall have a grace period of 30 days after the expiration of their licenses in which to renew retroactively if they otherwise are entitled to have their licenses renewed and pay to the board the renewal fee and any late fee set by the board under rules adopted pursuant to RSA 541-A.

III. A suspended license shall be subject to expiration and may be renewed as provided in this chapter, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order under which the license was suspended.

IV. A license revoked on disciplinary grounds shall be subject to expiration as provided in this chapter, and it may not be renewed. If such license is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee that shall equal the renewal fee in effect on the last regular renewal date immediately preceding the date of reinstatement, plus any late fee set by the board.

V. Any person who fails to renew a license issued under this chapter by the end of the 30-day grace period as provided in paragraph II may have such license reinstated as long as the person:

(a) Submits an application for reinstatement to the board within 5 years after the expiration date of the license; and

(b) Meets the requirements established by the board as conditions for license renewal.

#### 330-C:11 Continuing Education.

I. As a prerequisite to renewal of licensure, a licensee shall present satisfactory evidence to the board of having met the continuing education requirements of this chapter.

II. The continuing education requirement for renewal of licensure shall be:

(a) For alcohol/drug counselor (ADC), 48 hours of approved continuing education of training in the 24 months subsequent to the date of licensure and later re-licensure.

(b) For clinical supervisor (CS), 6 hours of training on clinical supervisor which may be incorporated into the hours needed for ADC re-licensing.

330-C:12 Confidentiality. No licensee under this chapter or an employee of a licensee shall disclose any information which was acquired from clients or persons consulting with the licensee or employee of the licensee in the course of rendering professional services unless otherwise required by law.

330-C:13 Disciplinary Action; Criminal Penalty.

I. Misconduct sufficient to support disciplinary proceedings under this section includes:

(a) Violating any provision of this chapter or any substantive rule adopted under this chapter or order issued by the board.

(b) Engaging in the practice of chemical dependency counseling or supervision in a manner harmful or dangerous to the client or public.

(c) The practice of fraud or deceit in procuring or attempting to obtain a license under this chapter.

(d) Failing to obtain the continuing education credits necessary for renewal of license.

(e) Engaging in sexual relations, soliciting sexual relations, or committing an act of sexual abuse or sexual misconduct with a current client or with a person who was a client within the past 6 years.

(f) Failing to remain free from the use of any controlled substance or any alcoholic beverage to the extent that the use impairs the ability of the applicant to conduct with safety to the public the practices authorized by this chapter.

(g) Conviction of a felony which has not been waived by the board.

(h) Having a disciplinary action pending or having a license in another state or territory of the United States under revocation, suspension, or probation.

(i) Failing to maintain confidentiality pursuant to RSA 330-C:12.

(j) Engaging in false or misleading advertising.

(k) Having a mental disability which significantly impairs professional ability or judgment and which is independently verified to the board.

(l) Violating any of the provisions of this chapter.

II. All complaints relative to a licensee's business or professional practice shall be submitted to the board. Each complaint received shall be recorded by the board and contain the following information:

(a) Licensee's name.

(b) Name of the complaining party.

(c) Date of complaint.

(d) Brief statement of complaint.

III. The board, after notice and a public hearing, may take disciplinary action in any one or more of the following ways:

(a) Revocation of the license.

(b) Suspension of the license for any period of time.

(c) Censure of the licensee.

(d) Issuance of a letter of reprimands.

(e) Placement of a licensee on probationary status. The board may require the licensee to submit to any of the following:

(1) Regular reporting to the board concerning the matters which are the basis of the probation.

(2) Continuing professional education until a satisfactory degree of skill has been achieved in those areas which are the basis of probation.

(f) Refusal to renew a license.

(g) Revocation of probation which has been granted by the board and imposition of any other discipline provided in this section if the requirements of probation have not been fulfilled or have been violated.

(h) By assessing administrative fines in amounts established by the board which shall not exceed \$2,000 per offense, or in the case of a continuing offense, \$250 for each day the violation continues.

IV. The board may reinstate any licensee to good standing under this chapter if, after hearing, the board is satisfied that reinstatement of the licensee is in the public interest.

V. Upon the suspension or revocation of a license issued under this chapter, a licensee shall surrender the license to the board.

VI. The board may make available annually a list of the names and addresses of all persons licensed under this chapter, and of all persons who have been disciplined by the board within the preceding 12 months.

VII. Any person convicted of violating the provisions of this chapter shall be guilty of a class A misdemeanor.

330-C:14 Investigations.

I. The board may investigate possible misconduct by licensees and other matters within the scope of this chapter. Investigations may be conducted formally, after issuance of a board order setting forth the general scope of the investigation, or informally, without such an order. In either case, board investigations and the information gathered in such investigations shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders.

II. The board may retain legal counsel, expert witnesses, special advisors, or other qualified persons to assist with any investigation or adjudicatory proceeding. To the extent the board's existing appropriation does not include funds covering such expenditures, the board may request the governor and council to expend funds not otherwise appropriated on the condition that such funds be recovered in the board's next budget at the rate of 125 percent.

III. The form taken by an investigation is a matter reserved to the discretion of the board. The board may conduct investigations on an ex parte basis.

IV.(a) The board may administer oaths or affirmations, preserve testimony and, after consultation with an attorney employed by the state of New Hampshire, may issue subpoenas for witnesses and for documents and things only in a formal investigation or an adjudicatory hearing, except that subpoenas for medical records and pharmacy records, as provided in paragraph V, may be issued at any time.

(b) The board may serve a subpoena on any licensee of the board by certified mail, but shall serve a subpoena on any other person in accordance with the procedures and fee schedules required in 42 C.F.R. 2.

(c) Persons licensed by the board shall not be entitled to a witness fee or mileage expenses for travel within the state, which are necessary to respond to a subpoena issued by the board.

(d) Any board-issued subpoena related to a board hearing or investigation shall be valid if annotated "Fees Guaranteed by the New Hampshire Board of Licensing for Alcohol and Drug Abuse Professionals".

(e) A minimum of 48 hours' notice shall be given for compliance with a subpoena issued under this chapter.

V. The board may at any time subpoena client records from its licensees, or other health care providers, or health care facilities licensed or certified in this state to the extent that the records sought are relevant to matters within the board's regulatory authority. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current license or certificate, and shall require no witness or other fee. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

VI. All licensees shall have the duty to notify the board of their current business and residence addresses. A licensee shall receive adequate notice of any hearing or other action taken under this chapter if notice is mailed in a timely fashion to the most recent home or business address furnished to the board by the licensee.

VII. On its own motion or in response to a complaint received by the board, the board may informally mail a copy of a complaint to any licensee who is the subject of the complaint and require the licensee to provide a detailed and good faith written response to the allegations identified by the board. Complete copies of office records concerning any patient identified in the complaint shall be provided by the licensee. The licensee shall respond to such request within a reasonable time period of not less than 15 days, as the board may specify in its written request.

VIII. Any person may file a written complaint with the board which charges that a licensee has committed misconduct. The board may dismiss complaints when the undisputed allegations do not warrant disciplinary actions and may settle complaints informally with the consent of the licensee. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which

the board wishes to investigate or hear on its own motion. If an investigation of a complaint results in an offer of settlement by the licensee, the board may settle the allegations against the licensee without the consent of a complainant, provided that material facts are not in dispute and the complainant is given an opportunity to comment upon the terms of the proposed settlement.

### 330-C:15 Hearings.

I. Any complaint not dismissed or settled informally shall be heard by the board. Such hearing shall be an open public hearing. Any member of the board shall have the authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

II. The board shall furnish the respondent and the complainant, if any, at least 15 days' written notice of the date, time, and place of a hearing, except as otherwise provided in this chapter. Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party.

III. The board may, before or after the commencement of an adjudicatory hearing, dispose of disciplinary or certification allegations arising under this chapter by order of dismissal, settlement, default, consent order, or summary judgment order. In disciplinary hearings, the board may hold prehearing conferences which shall be exempt from the provisions of RSA 91-A, but all final disciplinary actions, including those which occur without holding a public hearing, shall be publicly released at the time they are served upon the parties.

IV. The respondent shall be heard in the respondent's defense either in person or by counsel and may produce witnesses and testify in the respondent's behalf. A stenographic record of the hearing shall be taken and preserved. The hearing may be adjourned from time to time.

V. Every final disciplinary action and other adjudicatory decisions made final by the board shall be reduced to writing and served upon the parties. Such decisions shall not be public until they are served upon the parties.

VI. The board shall have no obligation or authority to appoint or provide an attorney to any person appearing at a board hearing or investigation.

VII. Final certification and disciplinary actions of the board may be appealed to the supreme court under the procedures set forth in RSA 541. However, no sanction imposed by the board shall be stayed during appeal.

Amend the section heading of section 2 of the bill by replacing it with the following:

2 Initial Board Appointments; Meeting and Election of Chairperson.

Adopted.

Report adopted and referred to Finance.

### **HB 488-FN**, relative to involuntary admission to the state hospital on an emergency basis. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret Case for Health, Human Services and Elderly Affairs: The bill includes very specific criteria in the definition of involuntary admission into the mental health service system. This would add one additional category. The intention of the bill is to alleviate the danger to the patient and to the community at large. Safeguards against potential abuse are already present in current statute. Vote 16-3.

### **Amendment (0287h)**

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Definition Revised. Amend RSA 135-C:27, I by inserting after subparagraph (c) the following new subparagraph:

(d) The person meets all of the following criteria:

(1) The person has been determined to be severely mentally disabled in accordance with rules authorized by RSA 135-C:61 for a period of at least one year;

(2) The person has had at least one involuntary admission, within the last 2 years, pursuant to RSA 135-C:34-54;

(3) The person has no guardian of the person appointed pursuant to RSA 464-A;

(4) The person is not subject to a conditional discharge granted pursuant to RSA 135-C:49, II;

(5) The person has refused the treatment determined necessary by a mental health program approved by the department; and

(6) A psychiatrist at a mental health program approved by the department has determined, based upon the person's clinical history, that there is a substantial probability that the person's refusal to accept necessary treatment will lead to death, serious bodily injury, or serious debilitation if admission is not ordered.

Adopted.

Report adopted and referred to Finance.

### **HB 537-FN**, relative to the practice of allied health professionals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: This bill finally brings five health groups under one executive directive for administrative activities. Consolidation of board and commission has been an on-going process since 1979 and hopefully will reach fruition this year. It also replaces and modifies certain laws governing the practice of athletic training, occupational therapy, respiratory care, physical therapy, and speech-language pathology. The bill establishes governing boards for each of these areas of practice and a board of directors consisting of the chairpersons of each of the governing boards. It imposes certain duties and gives certain authority to the governing boards and the board of directors, respectively, for the purposes of regulating these professions.

The bill also gives the board of directors the authority to hire an unclassified executive director. Vote 16-0.

#### **Amendment (0533h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Allied Health Professionals. Amend RSA by inserting after RSA 328-E the following new chapter:

#### **CHAPTER 328-F**

#### **ALLIED HEALTH PROFESSIONALS**

328-F:1 Purpose. The purpose of this chapter is to regulate allied health professionals in the state to assure that the services provided are effective and of a quality consistent with the standard of care within each profession, and to safeguard the public against harm which may be caused by unqualified, impaired, or unlicensed practitioners.

##### **328-F:2 Definitions.**

I. "Board of directors" means the chairpersons or their appointees of all the governing boards which shall be responsible for the administrative operation of the office of licensed allied health professionals.

II. "Governing boards" means individual licensing boards of athletic trainers, certified occupational therapy assistants, occupational therapists, physical therapists, physical therapy assistants, respiratory care practitioners, and speech-language pathologists.

III. "Occupational therapy" means "occupational therapy" as defined in RSA 326-C:1, IV.

IV. "Office of licensed allied health professionals" means an agency of multiple governing boards in professions of the allied health field.

V. "Physical therapy" or "physiotherapy" means "physical therapy" or "physiotherapy" as defined in RSA 328-A:1, VI.

VI. "Practice of athletic training" means "practice of athletic training" as defined in RSA 326-G:1, V.

VII. "Respiratory care" means "respiratory care" as defined in RSA 326-E:1, VI.

VIII. "Speech-language pathology" means "speech-language pathology" as defined in RSA 326-F:1, IV.

328-F:3 Governing Boards Established; Board of Directors; Office of Licensed Allied Health Professionals.

I. There shall be established governing boards of athletic trainers, occupational therapists, respiratory care practitioners, physical therapists, and speech-language pathologists.

II. The governing boards' chairpersons or their appointees shall make up the board of directors of the office of licensed allied health professionals. The board of directors shall have author-

ity to hire an unclassified executive director to serve the members of the governing boards in the execution of their duties, as well as classified and other technical and clerical staff to run the office's business in an efficient manner.

III. There shall be an office of licensed allied health professionals established in Concord. It shall be an administratively attached agency, under RSA 21-G:10, to the department of health and human services.

#### Governing Boards

##### 328-F:4 Governing Boards; Memberships; Appointments.

I. Each governing board shall be composed of 5 persons, each to be appointed by the governor with the approval of the council, to a term of 3 years. Members shall serve until the expiration of the term for which they have been appointed or until their successors have been appointed and qualified. No board member shall be appointed to more than 2 consecutive terms. Any professional members of all governing boards shall maintain current and unrestricted New Hampshire licenses.

II. The initial appointees to the governing boards shall serve as follows: one initial appointee who is a licensed professional shall serve a term of one year, one initial appointee who is a licensed professional shall serve a term of 2 years, one initial public member shall serve a term of 2 years, and the remaining 2 initial appointees shall serve terms of 3 years. An initial appointment of less than 3 years shall not be considered a full term.

III. Each public member of a governing board shall be a person who is not, and never was a member of the applicable allied health profession or the spouse of any such person, and who does not have, and never has had a material financial interest in either the provision of that allied health service, a health insurance company, or health maintenance organization, including representation of the board or profession for a fee at any time during the 5 years preceding appointment.

IV. The athletic trainers governing board shall consist of 3 licensed athletic trainers, who have actively engaged in the practice of athletic training in this state for at least 3 years, one physician educated in the current practice of sports medicine, and one public member.

V. The occupational therapy governing board shall consist of 2 licensed occupational therapists and one occupational therapy assistant, who have actively engaged in the practice of occupational therapy in this state for at least 3 years, one physician knowledgeable in the practice of occupational therapy, and one public member.

VI. The physical therapy governing board shall consist of 2 licensed physical therapists and one physical therapist assistant, who have actively engaged in the practice of physical therapy in this state for at least 3 years, and 2 public members.

VII. The respiratory care practitioner governing board shall consist of 3 licensed respiratory care practitioners, who have actively engaged in the practice of respiratory care in this state for at least 3 years, one physician knowledgeable in the practice of respiratory care, and one public member.

VIII. The speech-language pathology governing board shall consist of 4 licensed speech-language pathologists who have actively engaged in the practice of speech-language pathology in this state for at least 3 years, and one public member. At least one speech-language pathologist shall be employed in an educational setting and at least one employed in a clinical setting.

##### 328-F:5 Duties. Each governing board shall:

I. Examine and investigate persons who apply for the authority to practice in New Hampshire and license those who are found qualified under the standards of this chapter.

II. Investigate and examine existing licensees and commence disciplinary action concerning licensees in accordance with the standards of this chapter.

III. Investigate and prepare reports on any matter within the scope of this chapter.

IV. Assess, compromise, and collect civil penalties against persons engaged in unauthorized practice or other violations of this chapter.

V. Report final disciplinary actions to appropriate national databases.

328-F:6 Compensation; Expenses. Members of the governing boards shall receive \$50 per day for meetings, and shall be reimbursed for travel expenses incurred in connection with the work of the board.

328-F:7 Removal of Members; Vacancies. The governor and council may remove any member of the governing boards for misconduct, incompetence, neglect of duty, or other sufficient cause

after the member has been given a written statement of the charges and an opportunity to be heard regarding such charges. Any vacancy in the membership of the board shall be promptly filled for the unexpired term.

328-F:8 Organization and Meeting. Each governing board shall meet monthly, or more often as its business requires. A majority of each board shall constitute a quorum.

328-F:9 Records. A true record of all of each board's official acts shall be made and preserved by the executive director. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary investigations and records otherwise exempt from disclosure under RSA 91-A, RSA 329:18, or other applicable statutes.

328-F:10 Records of Licensees and Disciplinary History.

I. Each governing board shall maintain a current list of living or deceased persons who has ever been licensed to practice under this chapter. The list shall show the licensee's last known place of employment, last known place of residence, and the date and number of the license.

II. Each governing board shall maintain a current list of persons against whom the board has taken any disciplinary actions. This list shall include the names, type and cause of action, date and penalty incurred, and the length of penalty. This list shall be available for public inspection during regular business hours. This list shall be supplied to similar boards in other states upon request.

328-F:11 Rulemaking.

I. The governing board of athletic training shall adopt rules as provided in RSA 326-G:7.

II. The governing board of occupational therapy shall adopt rules as provided in RSA 326-C:11.

III. The governing board of physical therapy shall adopt rules as provided in RSA 328-A:14.

IV. The governing board of respiratory care practitioners shall adopt rules as provided in RSA 326-E:3.

V. The governing board of speech-language pathology shall adopt rules as provided in RSA 326-F:13.

Board of Directors

328-F:12 Responsibilities.

I. The board of directors shall be responsible for preparing and submitting the biennial budget, setting fees, and allocating appropriated funds to each governing board.

II. Annually, the board of directors shall submit to the governor a report of the transactions of the preceding year and a complete statement of the receipts and expenditures of the boards.

III. The board of directors shall meet at least quarterly and more often if needed.

IV. The board of directors shall provide a forum for multi-disciplinary practice issues, but shall not set policy.

328-F:13 Board of Directors; Rulemaking Authority. The board of directors shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for any license issued under this chapter.

II. The design and content of all forms required under this chapter.

III. The procedural requirements for the reinstatement of licenses after lapses, inactive status, voluntary surrender, or disciplinary action consistent with this chapter.

IV. Procedures to be followed for the filing of charges and conduct of hearings with respect to disciplinary proceedings.

V. The establishment of fees required under this chapter.

VI. Procedural requirements for assessing, compromising, and collecting administrative fines against licensees as authorized under this chapter.

328-F:14 Receipts and Disbursements. The board of directors shall receive and account for all moneys derived under the provisions of this chapter, and shall pay such moneys to the state treasurer to be deposited in the general fund.

328-F:15 Fees. The board of directors shall establish fees for examination of applicants, licensure, registration, renewal of license, transcribing and transferring records, and other services, including investigations and hearings conducted under this chapter.

Licensing Provisions

328-F:16 Interim License.

I. The governing boards may issue interim licenses to applicants who are qualified. Such interim licenses shall be available to the following applicants:

(a) A student awaiting results of an examination.

(b) Applicants licensed in other states who are awaiting a final governing board decision.

(c) Applicants educated outside the United States awaiting results of an examination.

II. No interim license shall exceed 9 months nor shall it be renewed.

**328-F:17 Applicants From Other States.**

I. A governing board may grant a license to any applicant who is licensed in any other state, provided the other state's licensure requirements are substantially equivalent to or higher than those of this state.

II. The applicant shall certify under oath that all credentials and licenses are in good standing and are not currently under investigation or disciplinary action.

III. The applicant shall provide verification of continuing education or evidence of continued competency which the rules of the governing boards require.

**328-F:18 Action on License Applications.**

I. The individual governing boards shall make no final decision concerning the qualifications of a new or reinstatement applicant in its profession until it has received the results of all required examinations and all third-party certifications required to be submitted with the license application, and the time periods specified by RSA 541-A:29 shall be calculated from the date the last of the required documents is received by the governing board.

II. No application shall be granted unless the professions' governing board finds that the applicant possesses the necessary educational, character, and other professional qualifications to practice in their occupation, and that no circumstances exist which would be grounds for disciplinary action against a licensed allied health professional, and that no credentials or prior licenses have been revoked for disciplinary actions.

III. Each individual governing board shall grant an unrestricted permanent license to persons it finds to have the necessary professional qualifications. The governing boards may also, by consent or after notice and the opportunity to be heard, resolve issues concerning professional qualifications by granting a temporary license, or a temporary or permanent license with restrictions.

IV. Licenses shall be signed and dated by the chairperson of each governing board, stating that the licensee is authorized to practice their profession, be numbered consecutively, and be recorded.

V. Persons holding interim or provisional licenses shall be subject to the disciplinary provisions of this chapter and such additional professional character and competency requirements as the governing boards may require by rule.

**328-F:19 Renewal.** Every person licensed to practice under this chapter shall apply to the office for biennial renewal of license on forms provided by the office and shall pay a renewal fee established by the office of allied health practitioners.

**328-F:20 Notice of Renewal.**

I. On or before October 15 of each renewal year, the office shall mail each licensee an application for renewal of license.

II. Any licensee who fails to file an application for renewal by December 31 of the renewal year shall be required to pay double the renewal fee. Any failure, neglect, or refusal on the part of any person licensed by the board to renew the license within 60 days of December 31 of the renewal year shall automatically result in the lapse of such license. Licenses lapsed under this section shall not be restored except upon payment of a reinstatement fee as established by the office of licensed allied health professionals, and showing of such evidence of professional competence as the governing board may reasonably require.

**328-F:21 Change of Address.** Licensees shall maintain their current business and home address on file with the applicable board. Any changes in address shall be provided to the office no later than 30 days from the date of the change.

**328-F:22 Reinstatement.** Any person whose license has lapsed may be restored to active status upon the filing of a written request for reinstatement of license, accompanied by the reinstatement fee, and proof of satisfaction of continuing education requirements established by the governing boards, and such other evidence of professional competence as the governing boards may reasonably require.

**Disciplinary Action; Hearings**

**328-F:23 Disciplinary Action.**

I. Any governing board may undertake disciplinary proceedings (a) upon its own initiative, or (b) upon written complaint of any person which charges that a person licensed by the board has committed misconduct as set forth in paragraph IV of this section and which specifies the grounds therefor.

II. Every licensed hospital, clinic or other health care facility, educational facility or agency within the state shall report to the appropriate governing board any disciplinary or adverse action relating to professional practice against a person licensed by the board within 30 days after such action is taken.

III. Every professional society within the state comprised primarily of persons licensed by the board shall report to the board any disciplinary action against a member relating to professional ethics, professional incompetence, moral turpitude, or drug or alcohol abuse within 30 days after such disciplinary action is taken.

IV. Each governing board, after hearing, may take disciplinary action against any person licensed by it upon finding that the person:

(a) Has knowingly provided false information during any application for professional licensure or institutional privileges, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.

(b) Is impaired through the use of drugs or intoxicants or is proven to be unable to safely provide care to the public due to a compromise of physical or mental functional abilities.

(c) Has displayed a pattern of behavior which is incompatible with basic knowledge and competence expected of persons licensed to practice their profession or any particular aspect or specialty thereof.

(d) Has engaged in dishonest or unprofessional conduct, or has been grossly or repeatedly negligent in practicing their profession in performing activities ancillary to their occupation or any particular aspect or specialty thereof, or has intentionally injured a patient while practicing or performing such ancillary activities.

(e) Has employed, allowed or is aware of an unlicensed person practicing a profession licensed by this chapter.

(f) Has failed to provide adequate safeguards in regard to aseptic techniques and universal precautions.

(g) Has included in advertising any statement of a character tending to deceive or mislead the public or any statement claiming professional superiority.

(h) Has willfully or repeatedly violated any provision of this chapter or any substantive rule of the board.

(i) Has been convicted of any criminal act excluding minor traffic violations under the laws of the United States or any state.

(j) Has failed to maintain adequate clinical record documentation on diagnostic and therapeutic treatment provided or has unreasonably delayed clinical record transfer.

(k) Has failed to adhere to the recognized standards of ethics of their profession.

(l) Has failed to report to the governing boards any act or omission of a licensee or applicant or any person which violates the provisions of this chapter.

(m) Has interfered with, or refused to cooperate in, an investigation or disciplinary proceeding by willful misrepresentation of facts or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any legal action.

(n) Has engaged in sexual misconduct. Sexual misconduct includes engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while an allied health professional/patient relationship exists: or sexual harassment which includes making sexual advances, requesting sexual favors, and engaging in other verbal conduct or physical contact of a sexual nature.

V. The governing board, upon making an affirmative finding under IV, may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of a license or probation for a period of time as determined reasonable by the governing board.

(c) By revocation of license.

(d) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program or any combination thereof which is acceptable to the governing board.

(e) By requiring the person to participate in a program of continuing education in the area or areas in which the person has been found deficient.

(f) By requiring the person to practice under supervision, in a public institution, public or private health care program, or private practice for a period of time specified by the governing board.

(g) By assessing administrative fines in amounts established by the board which shall not exceed \$2,000 per offense, or, in the case of continuing offenses, \$200 for each day that the violation continues, whichever is greater.

VI. The governing boards may issue a non-disciplinary reprimand to licensees. Such reprimand shall not constitute disciplinary action in the meaning of paragraph V, but is consistent with the purpose and intention of that paragraph and best interest of the public. The letters of concern may be released to the public or other licensing authority at the discretion of the issuing governing board. The letters may be used as evidence in subsequent disciplinary proceedings by the board.

VII. Disciplinary action taken by the governing boards under this section may be appealed to the supreme court under RSA 541. However, no sanction imposed by the governing board shall be stayed during appeal.

VIII. No civil action shall be maintained against the board of directors or any member of the governing boards or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the governing board or determination by the governing board in relation to proceeding under this chapter.

IX. Allegations of professional misconduct or other violations of this chapter enforceable by the governing board shall be brought within 6 years from the time the governing board could reasonably have discovered the act, omission or failure complained of, except that conduct which resulted in a criminal conviction or in a disciplinary action by a relevant licensing authority in another jurisdiction may be considered by the governing board without time limitation in making licensing or disciplinary decisions if the conduct would otherwise be a ground for discipline under this chapter. The governing board may also consider licensee conduct without time limitation when the ultimate issue before the governing board involves a pattern of conduct or the cumulative effect of conduct which becomes apparent as a result of conduct which has occurred within the 6-year limitation period prescribed by this paragraph.

X. Upon receipt of an administratively final order from the licensing authority of another jurisdiction which imposes disciplinary sanctions against a licensee, or a person applying for such license, the governing board may issue an order directing the licensee or applicant to appear and show cause why similar disciplinary sanctions or, in the case of an applicant, license denial or restriction, should not be imposed in the state. In any such proceeding, the decision of the foreign licensing authority may not be collaterally attacked, but the licensee or applicant shall be given the opportunity to demonstrate why a lesser sanction should be imposed. The governing board may issue any disciplinary sanction or take any action with regard to a license application pursuant to this section otherwise permitted by this chapter, including sanctions or actions which are more stringent than those imposed by the foreign jurisdiction. The governing board may adopt summary procedures for handling proceedings brought under this chapter, but shall furnish the respondent at least 10 day's written notice and a reasonable opportunity to be heard. The governing board may require a licensee to suspend practice in this state as a condition of postponing a hearing date established for allegations brought under this section.

#### 328-F:24 Investigations.

I. One member of a governing board and an employee of the administrative prosecutions unit may investigate possible misconduct by licensees and applicants for licensure, as well as the unauthorized practice of each licensed profession and other matters within the scope of this chapter. Investigations may be conducted formally, after issuance of a board order setting forth the general scope of the investigation, or informally, without such an order. In either case, board investigations and the information gathered in such investigations shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The office may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or other jurisdiction, or in response to specific statutory requirements or court orders.

II. The board of directors may retain expert witnesses or other qualified persons to assist with any investigation or adjudicatory proceeding. Members of the governing boards are not eligible for retention. The board of directors may also retain special legal counsel in instances when recommended by the attorney general. To the extent the board's existing appropriation does not in-

clude funds covering such expenditures, the board may request the governor and council to expend funds not otherwise appropriated on the condition that such funds be recovered in the board's next budget at the rate of 125 percent.

III. The form taken by an investigation is a matter reserved to the discretion of the governing boards. The governing boards may conduct investigations on an ex parte basis.

IV.(a) The governing boards may administer oaths or affirmations and preserve testimony. The governing boards, with the advice and consent of the department of justice, may issue subpoenas for witnesses and for documents and things only in a formal investigation or an adjudicatory hearing, except that subpoenas for medical records and insurance billing records may be issued at any time.

(b) The office may serve a subpoena on any licensee of the governing boards by certified mail, but shall serve a subpoena on any other person in accordance with the procedures and fee schedules used in superior court.

(c) Persons licensed by the office shall not be entitled to a witness fee or mileage expenses for travel within the state which is necessary to respond to a subpoena issued by the board.

(d) Any governing board issued subpoena related to a hearing or investigation shall be valid if annotated "Fees Guaranteed by the New Hampshire office of allied health professionals".

(e) A minimum of 48 hours' notice shall be given for compliance with a subpoena issued under this chapter.

V. The governing boards may at any time, with the advice and consent of the department of justice, subpoena medical, clinical, pharmacy, billing or other records related to the diagnosis or treatment from its licensees, or other health care providers, educational institutions, health care facilities and health insurance and health maintenance organizations, and medical and hospital service corporations licensed or certified in this state to the extent that the records sought are relevant to matters within the office's regulatory authority. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current license or certificate, and shall require no witness or other fee. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

VI. All licensees shall have the duty to notify the office of their current business and residence addresses. A licensee shall receive adequate notice of any hearing or other action taken under this chapter if notice is mailed in a timely fashion to the most recent home or business address furnished to the governing board by the licensee.

VII. The governing boards may at any time require a licensee or license applicant to provide a detailed good faith written response to allegations of possible professional misconduct being investigated by the governing board. The board may also require the licensee, applicant, facility, institution, or agency to provide the governing board with complete copies of records concerning any patient whose treatment may be material to allegations of possible professional misconduct being investigated by the governing board. Licensees and applicants shall respond to either type of request within 15 days from the date of the request, or within such greater time period as the governing board may specify.

VIII. Any person may file a written complaint with the governing board which charges that a licensee or license applicant has engaged in professional misconduct or should not be licensed. Such complaints shall be treated as petitions for the commencement of disciplinary proceedings, shall be investigated by the governing board, and shall be exempt from the time limitations of RSA 541-A:29. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the governing board wishes to investigate or hear on its own motion. If an investigation of a complaint results in an offer of settlement by the licensee, the governing board may settle the allegations against the licensee without the consent of a complainant, provided that material facts are not in dispute and the complainant is given the opportunity to comment on the terms of the proposed settlement.

#### 328-F:25 Hearings.

I. Allegations of misconduct or lack of professional qualifications which are not settled informally shall be heard by the appropriate governing board. Such hearings shall be an open public hearing. Any member of the governing board, or other person qualified to act as a hearing officer and duly designated by the governing board, shall have the authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

II. The governing board shall furnish the respondent and the complainant, if any, at least 15 days' written notice of the date, time and place of a hearing, except as otherwise provided in this

chapter. Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. The complainant shall be provided with a reasonable opportunity to intervene as a party.

III. The governing boards may at any time dispose of allegations in a complaint, investigation, or disciplinary hearing by settlement, default, or consent order, by issuing an order of dismissal for failing to state a proper basis for adverse action or by summary judgment order based upon undisputed material facts. The governing board shall have discretion to decline or defer prosecution of a complaint which, after appropriate investigation, does not contain allegations of a substantial nature, and may reexamine the allegations in the complaint at any time within the limitations period of this chapter. In disciplinary and licensing proceedings, the governing board may hold prehearing conferences which shall be exempt from the provisions of RSA 91-A, but all final disciplinary actions, including those which occur without holding a public hearing, shall be publicly released at the time they are served upon the parties.

IV. Final disciplinary actions and final actions in other adjudicatory proceedings shall be reduced to writing and served upon the parties. Such decisions shall not be public until they are served upon the parties. However final disposition shall be effective and enforceable as determined by the governing board in accordance with RSA 541-A regardless of when such disposition became public.

V. The governing boards shall have no obligation or authority to appoint or provide an attorney to any person appearing at a board hearing or investigation.

328-F:26 Temporary Suspension Where Imminent Threat. In cases involving imminent danger to life or health, the governing boards may order suspension of a license pending hearing for a period of no more than 120 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with this chapter. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension commensurate with the additional time extended.

328-F:27 License Required; Exceptions.

I. Nothing in this chapter shall be construed to restrict persons licensed under any other law of this state from engaging in a profession or practice for which they are licensed.

II. No person, not licensed under this chapter, shall practice or hold oneself out as being able to practice any professions under this chapter without obtaining a license for such practice. Holding oneself out shall include the use of letters intended to designate an individual as a licensed allied health professional under this chapter.

III. This chapter shall not apply to visiting instructors licensed in another jurisdiction or holding valid credentials in another country whose activities are limited to providing instruction at a specific time and place.

328-F:28 Confidential Communications. The confidential relations and communications between a practitioner licensed under provisions of this chapter and the patient of such practitioner are placed on the same basis as those provided by law between attorney and client, and, except as otherwise provided by law, no such allied health practitioner shall be required to disclose such privileged communications. Confidential relations and communications between a patient and any person working under the supervision of a physician or surgeon that are customary and necessary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with such supervising physician and surgeon. This section shall not apply to investigations and hearings conducted by the board of allied health practitioners, or any other statutory created health occupational licensing or certifying board conducting licensing, certifying, or disciplinary proceedings.

**2 Salary Group; Position Added.** Amend RSA 94:1-a, I by inserting in group K:

Executive director of the board of directors as defined in RSA 328-F:2, I.

**3 Reference Changed.** Amend RSA 189:14-e, II to read as follows:

II. Speech-language pathologists licensed pursuant to RSA 326-F and 328-F shall automatically meet certification requirements under this section.

**4 Reference Changed.** Amend RSA 313-A:23, II(g) to read as follows:

(g) Persons [registered] licensed as physical therapists or physical therapist assistants under RSA 328-A and 328-F.

5 Reference Added. Amend the introductory paragraph of RSA 326-C:1 to read as follows:

In this chapter *and RSA 328-F*, unless the context otherwise requires:

6 Definition Modified; Board. Amend RSA 326-C:1, II to read as follows:

II. "Board" means the ~~[board of medicine established by RSA 329:2]~~ *occupational therapy governing board established in RSA 328-F:3, I.*

7 Reference Added. Amend the introductory paragraph of RSA 326-C:3, I to read as follows:

I. No person, not licensed under this chapter *and RSA 328-F*, shall practice or hold oneself out as being able to practice occupational therapy without obtaining a license under this chapter *and RSA 328-F*. Holding oneself out shall include the use of letters intended to designate an individual as a licensed occupational therapist or occupational therapy assistant.

8 Reference Added. Amend RSA 326-C:3, II to read as follows:

II. The board shall license each applicant who satisfies the requirements of RSA 326-C:4. Upon payment of a license fee, the board shall issue to such person a certificate of licensure, which shall be prima facie evidence of the right to practice as an "occupational therapist registered" or "certified occupational therapy assistant." Licensed occupational therapists may use the letters "O.T.R." or "O.T.R./L." and occupational therapy assistants may use the letters "C.O.T.A." or "C.O.T.A./L." in connection with their names or places of business to denote their licensure under this chapter *and RSA 328-F*.

9 Reference Modified. Amend RSA 326-C:4, I to read as follows:

I. To apply for licensure as an occupational therapist or occupational therapy assistant, an applicant shall complete an application prescribed by the board *of directors, pursuant to RSA 328-F:13, II*, and pay the application fee established by the board *of directors under RSA 328-F:15*. The application shall not be complete until all information required by the board has been received.

10 Reference Removed. Amend RSA 326-C:4, II(c)-(e) to read as follows:

(c) Successfully complete the academic requirements of an educational program in occupational therapy recognized by the board ~~[and the advisory committee]~~.

(d) Successfully complete a period of supervised field work experience approved by the educational institution where the applicant met ~~[his]~~ academic requirements.

(1) For an occupational therapist a minimum of 6 months of supervised field work experience is required.

(2) For an occupational therapy assistant a minimum of 2 months of supervised field work experience is required.

(e) Pass to the satisfaction of the board a standardized national examination approved by the board ~~[and the advisory committee]~~.

11 Gender Neutral. Amend RSA 326-C:4, V to read as follows:

V. The board may, upon notice and opportunity for a hearing, deny an application or impose probationary conditions upon any applicant who fails to establish ~~[his]~~ *such applicant's* qualifications to the satisfaction of the board. Conditions imposed may include requiring continuing education or practice under supervision of a licensed occupational therapist.

12 Reference Removed. Amend RSA 326-C:6, II to read as follows:

II. The board~~[-after consultation with the advisory committee;]~~ shall establish requirements for continuing professional education and other evidence of continued competency as a condition of license renewal, initial licensure, license reinstatement, or endorsement licensing.

13 Reference Removed. Amend RSA 326-C:8, IV to read as follows:

IV. Evidence of competency to practice as established by the board ~~[and the advisory committee]~~. Evidence may include continuing education, passage of the standardized examination, practice under the supervision of another licensed occupational therapist, or other requirements deemed appropriate by the board.

14 Reference Removed. Amend the introductory paragraph of RSA 326-C:11 to read as follows: The board shall adopt rules, pursuant to RSA 541-A~~[-after consultation with the advisory committee;]~~ relative to:

15 Rulemaking Authority Modified. Amend RSA 326-C:11, I to read as follows:

I. The ~~[form and]~~ content of license applications required under RSA 326-C:3 and 326-C:4.

16 Reference Removed. Amend RSA 326-C:11, III to read as follows:

III. The conditions under which an applicant in another state may be issued a license ~~[under RSA 326-C:4, III]~~.

17 References Removed; References Added. Amend RSA 326-C:11, VI-VII to read as follows:

VI. Requirements for continuing professional education and competency [~~under RSA 326-C:6, H~~].

VII. Any other matter necessary for the administration of this chapter *and the board's duties and responsibilities under RSA 328-F*.

18 Reference Added. Amend the introductory paragraph of RSA 326-E:1 to read as follows:

As used in this chapter *and RSA 328-F*:

19 Definition Modified; Board. Amend RSA 326-E:1, II to read as follows:

II. "Board" means the [~~board of medicine~~] *governing board of respiratory care practitioners established under RSA 328-F:3, I*.

20 Reference Removed. Amend the introductory paragraph of RSA 326-E:3 to read as follows: The board[~~, after consultation with the advisory committee,~~] shall adopt rules, pursuant to RSA 541-A, relative to:

21 Rulemaking Authority Modified. Amend RSA 326-E:3, VII to read as follows:

IX. Any other matter which is consistent with the legislative intent of this chapter and which is necessary to the administration of this chapter *and the board's duties and responsibilities under RSA 328-F*.

22 Rulemaking Authority Modified. Amend RSA 326-E:3, IX to read as follows:

II. The applicant, except as otherwise provided in this chapter *or RSA 328-F*, shall be required to pass a standardized national examination.

23 Reference Added. Amend RSA 326-E:4, II to read as follows:

I. Examinations for licensure in respiratory care shall be in English, nationally standardized, and approved by the [~~advisory committee and the~~] board. They shall be conducted not fewer than 2 times a year and in such places as may be determined by the board.

24 Gender Neutral. Amend RSA 326-E:7, II to read as follows:

II. The licensee shall show his *or her* license when requested.

25 Reference Added. Amend the introductory paragraph of RSA 326-F:1 to read as follows:

In this chapter *and RSA 328-F*:

26 Definition Modified; Board. Amend RSA 326-F:1, I to read as follows:

I. "Board" means the *governing* board of speech-language pathologists *established in RSA 328-F:3, I*.

27 Reference Added. Amend RSA 326-F:1, V to read as follows:

V. "Speech-language pathology assistant" means any person who meets minimum qualifications established by the board which are less than those established by this chapter as necessary for licensing as a speech-language pathologist, and who does not act independently but works under the direction and supervision of a speech-language pathologist licensed under this chapter *and RSA 328-F*.

28 Reference Added. Amend RSA 326-F:3-a to read as follows:

326-F:3-a Exemption from Licensure. [~~Notwithstanding RSA 326-F:3,~~] This chapter *and RSA 328-F* shall not apply to speech-language pathologists employed by public schools and certified under RSA 21-N:9, II(s).

29 Licensure Requirements Modified. Amend RSA 326-F:5, I(a) to read as follows:

(a) Make application to the board, upon a form prescribed by the board *of directors, pursuant to RSA 328-F:13, II*; and

30 Licensure Requirements Modified. Amend RSA 326-F:5, I(g)-(h) to read as follows:

(g) Demonstrate sufficient evidence of good professional character and reliability to satisfy the board that the applicant shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter, *RSA 328-F*, and the board's rules.

(h) In cases of license renewal after a period of nonrenewal of less than 5 years, pay to the board a restoration fee consisting of the current renewal fee [~~plus any late fee set by rules adopted by the board pursuant to RSA 541-A~~] and submit such evidence of continued professional competence and eligibility for licensure as the board may require.

31 Reference Added. Amend RSA 326-F:5, II to read as follows:

II. Any person who fails to renew any license within 5 years after the expiration date may not have the license renewed, and it may not be restored, reissued, or reinstated thereafter, although any such person may apply for and obtain a new license upon meeting the requirements of this chapter *and RSA 328-F* and paying to the board the appropriate fee.

32 Reference Added. Amend RSA 326-F:9, II(b) to read as follows:

(b) Meet the examination [~~requirement~~] *requirements* of RSA 326-F *and* 328-F.

33 Reference Added; Reference Removed. Amend RSA 326-F:10, I to read as follows:

I. The purpose of a provisional license is to permit an individual to practice speech-language pathology while completing the postgraduate professional experience as required by this chapter. Any person holding a provisional license shall be authorized to practice speech-language pathology provided the person is working under the supervision of a person fully licensed by this state in accordance with this chapter *and* RSA 328-F. A provisional license for a clinical fellowship year is limited to one year for a full-time employee and 3 years for part-time employees. A provisional license shall expire automatically as a matter of law on the date stated thereon by the board.

34 Reference Added; Reference Removed. Amend RSA 326-F:10, II(a) and (b) to read as follows:

(a) Except for the postgraduate professional experience, meets the academic, practicum, and examination requirements of this chapter *and* RSA 328-F.

(b) Submits an application to the board, [~~upon a form prescribed by the board,~~] including a plan for the content of the postgraduate professional experience.

35 Reference Removed. Amend RSA 326-F:13, I to read as follows:

I. The [~~form and~~] content of license applications.

36 Rulemaking Authority Modified. Amend RSA 326-F:13, VIII to read as follows:

VIII. Any other matter necessary for the administration of this chapter *and the board's duties and responsibilities under RSA 328-F*.

37 Reference Added. Amend the introductory paragraph of RSA 326-G:1 to read as follows:

In this chapter *and* RSA 328-F:

38 Definition Modified; Board. Amend RSA 326-G:1, II to read as follows:

II. "Board" means the [~~board of medicine established in RSA 329:2~~] *governing of athletic trainers established in RSA 328-F:3, I*.

39 Reference Added. Amend the introductory paragraph of RSA 326-G:2 to read as follows:

This chapter *and* RSA 328-F shall not apply to the following:

40 Gender Neutral. Amend RSA 326-G:2, I-II to read as follows:

I. Self-care by a patient, or gratuitous care by a friend or family member who does not represent himself *or herself* as an athletic trainer.

II. The activities of students of athletic training pursuing a degree or certificate in athletic training at an accredited or approved educational institution, if such activities and services constitute a part of a supervised course of study, and such person is designated by a title which clearly indicates [~~his~~] status as a student athletic trainer.

41 Rulemaking Authority Modified. Amend the introductory paragraph of RSA 326-G:7 to read as follows:

The board shall adopt rules, [~~after consultation with the advisory committee,~~] pursuant to RSA 541-A, relative to:

42 Rulemaking Authority Modified. Amend RSA 326-G:7, II-III to read as follows:

II. The renewal, suspension, revocation, and reinstatement of [~~certification~~] *a license*.

III. Educational qualifications for [~~certification~~] *licensure*, including requirements for applicants currently [~~certified~~] *licensed* to practice athletic training in other states.

43 Rulemaking Authority Modified. Amend RSA 326-G:7, V-VI to read as follows:

V. Continuing education requirements [~~of certified athletic trainers~~].

VI. The conditions for [~~certifying~~] *licensing* out-of-state athletic trainers.

44 Rulemaking Authority Modified. Amend RSA 326-G:7, VIII to read as follows:

VIII. Other matters related to the administration of this chapter *and the board's duties and responsibilities under RSA 328-F*.

45 Certification Changed to Licensure. Amend the section heading and introductory paragraph of RSA 326-G:8 to read as follows:

326-G:8 Requirements for [Certification] *Licensure*. Applicants for [~~certification~~] *licensure* as athletic trainers under this chapter shall have:

46 Certification Changed to Licensure. Amend RSA 326-G:10 to read as follows:

326-G:10 Professional Identification. Any person [~~certified~~] *licensed* to practice as an athletic trainer in this state may use the title "New Hampshire [~~Certified~~] *Licensed* Athletic

Trainer" and the abbreviation, [~~"NHCA"~~] "**NHLAT**" to designate [his] *such person's* practice of athletic training and shall produce [~~his certificate~~] *such person's license* upon the request of the board.

47 Certification Changed to Licensure; Reference Added. Amend RSA 326-G:14 to read as follows:

326-G:14 Reinstatement. Any person whose [~~certification~~] *license* to practice athletic training under this chapter *and RSA 328-F* has been suspended by the board may apply to the board, in writing, to request a hearing for reinstatement. Upon a hearing, the board may issue a new certificate or modify the suspension or revocation of the certificate to practice as an athletic trainer.

48 Reference Added. Amend the introductory paragraph of RSA 328-A:1 to read as follows: In this chapter *and RSA 328-F*:

49 Definition Modified; Board. Amend RSA 328-A:1, II to read as follows:

II. "Board" means the [board of medicine] *the physical therapy governing board established in RSA 328-F:3, I.*

50 Reference Added. Amend RSA 328-A:2, I to read as follows:

I. No individual shall practice or indicate ability to practice physical therapy or designate oneself or allow oneself to be designated as a physical therapist I, physical therapist II, or a physical therapist assistant in this state unless such individual is licensed in accordance with the provisions of this chapter *and RSA 328-F*.

51 License Requirements Modified. Amend the introductory paragraph of RSA 328-A:3 to read as follows:

Persons desiring licensure as a physical therapist or physical therapist assistant shall file a written application in a form specified by the board and pay an application fee *as established by the board of directors under RSA 328-F:15*. This application shall establish that the applicant:

52 Reference Removed. Amend RSA 328-A:5, II to read as follows:

II. The board, [~~after consultation with the advisory committee,~~] shall establish requirements for continuing professional education as a condition of license renewal, initial licensure, or license reinstatement. The minimum number of hours required per year shall be 20 for a physical therapist II, 15 for a physical therapist I, and 10 for a physical therapist assistant.

53 Reference Added. Amend RSA 328-A:10, I-II to read as follows:

I. A physical therapist I licensed under this chapter *and RSA 328-F* shall not practice physical therapy without a written prescription or referral from a person licensed to practice medicine, dentistry, podiatry, chiropractic, or naturopathy, or from a person licensed as a physician assistant or advanced registered nurse practitioner.

II. A person licensed under this chapter *and RSA 328-F* as a physical therapist assistant shall practice only under the direction and supervision of a licensed physical therapist.

54 Reference Added. Amend RSA 328-A:11, I to read as follows:

I. A person licensed under this chapter *and RSA 328-F* as a physical therapist II may evaluate and develop a working diagnosis for treatment by physical therapy without a referral, but shall obtain consultation with a person licensed to practice medicine, dentistry, podiatry, chiropractic, or naturopathy, or with a person licensed as a physician assistant or advanced registered nurse practitioner in order to continue treatment beyond 75 consecutive days. This consultation can be made by telephone, fax, in writing or in person but does not necessitate a written referral. This consultation must be documented in the patient's medical record. For patients whose problem is outside the scope of physical therapy, or if at any time, a patient requires further medical evaluation or diagnostic testing, or if there is no documented improvement within 30 days of the initiation of treatment, the patient shall be appropriately referred to a physician, podiatrist, dentist, chiropractor, naturopath, physician assistant, or advanced registered nurse practitioner.

55 Rulemaking Authority Modified. Amend the introductory paragraph of RSA 328-A:14 to read as follows:

The board[~~, in cooperation with the physical therapy advisory committee,~~] shall adopt rules, pursuant to RSA 541-A, relative to:

56 Rulemaking Authority Modified. Amend RSA 328-A:14, VII to read as follows:

VII. Other matters [~~within the scope~~] *necessary for the proper administration* of this chapter *and the board's duties and responsibilities under RSA 328-F*.

57 Board of Medicine; Rulemaking Authority. Amend RSA 329:9, XIV to read as follows:

XIV. The licensing of physician assistants [~~and respiratory care practitioners~~] as provided in RSA 328-D:2 [~~and RSA 326-E, respectively~~].

58 Administrative Rules Transition. Administrative rules adopted prior to the effective date of this act relative to the practices governed by this section shall remain in effect until amended, replaced, or repealed through adoption of rules by the board of directors as defined in RSA 328-F:2, I and the governing boards as defined in RSA 328-F:2, II.

59 Repeal. The following are repealed:

I. RSA 326-C:1, I relative to the definition of the occupational therapy advisory committee.

II. RSA 326-C:3, I(b), relative to occupational therapy licensure requirements.

III. RSA 326-C:4, III, relative to conditions for occupational therapy licensure.

IV. RSA 326-C:5, relative to temporary licensure of occupational therapists.

V. RSA 326-C:6, I relative to license renewal for occupational therapists.

VI. RSA 326-C:7, relative to sanctions against licensed occupational therapists.

VII. RSA 326-C:9, relative to the board of medicine's duty to administer certain fees.

VIII. RSA 326-C:10, relative to the board of medicine's duty to maintain records related to occupational therapists.

IX. RSA 326-C:11, II, relative to the board of medicine's authority to establish certain fees.

X. RSA 326-C:11, V, relative to the board of medicine's authority to adopt certain rules regarding hearings.

XI. RSA 326-C:12, relative to the occupational therapy advisory committee.

XII. RSA 326-C:13, relative to penalties for violation of certain laws governing occupational therapists.

XIII. RSA 326-E:1, I, relative to the definition of the respiratory care advisory committee.

XIV. RSA 326-E:2, relative to the respiratory care advisory committee.

XV. RSA 326-E:3, I, relative to the board of medicine's rulemaking authority regarding license application.

XVI. RSA 326-E:3, V, relative to the board of medicine's rulemaking authority regarding fees.

XVII. RSA 326-E:3, VII, relative to the board of medicine's rulemaking authority regarding hearings.

XVIII. RSA 326-E:6, relative to temporary permits for respiratory care practitioners.

XIX. RSA 326-E:8, relative to the term of licenses for respiratory care practitioners.

XX. RSA 326-E:9, relative to disciplinary matters and unprofessional conduct in the practice of respiratory care.

XXI. RSA 326-E:10, relative to hearings and reinstatement of licenses with respect to suspension and revocation of licensure to practice respiratory care.

XXII. RSA 326-E:11, relative to requiring that respiratory care practitioners be licensed and exemptions from such requirement.

XXIII. RSA 326-E:12, relative to limitations on licensure for those persons licensed to practice in fields other than respiratory care.

XXIV. RSA 326-E:13, relative to making certain practices related to respiratory care misdemeanors.

XXV. RSA 326-F:2, relative to the board of speech-language pathology.

XXVI. RSA 326-F:3, relative to the requirement that speech-language pathologists be licensed to practice.

XXVII. RSA 326-F:4, II, relative to limitations on persons licensed to practice in fields other than speech-language pathology.

XXVIII. RSA 326-F:6, relative to suspension or revocation of licenses to practice speech-language pathology.

XXIX. RSA 326-F:8, relative to renewal of licenses to practice speech-language pathology.

XXX. RSA 326-F:10, relative to provisional licenses to practice speech-language pathology.

XXXI. RSA 326-F:12, relative to record-maintenance duties of the board of speech-language pathology.

XXXII. RSA 326-F:13, relative to the rulemaking authority of the board of speech-language pathology.

XXXIII. RSA 326-F:14, relative to the civil immunity of members of the board of speech-language pathology.

XXXIV. RSA 326-F:15, relative to the investigatory powers of the board of speech-language pathology.

XXXV. RSA 326-F:16, relative to the authority of the board of speech-language pathology to conduct hearings and issue decisions.

XXXVI. RSA 326-F:17, relative to temporary, emergency suspension of licenses to practice speech-language pathology.

XXXVII. RSA 326-F:18, relative to penalties for violations of certain laws governing the practice of speech-language pathology.

XXXVIII. RSA 326-G:1, I, relative to the definition of the advisory committee on athletic trainers.

XXXIX. RSA 326-G:3, relative to the practice of other professions by athletic trainers.

XL. RSA 326-G:4, relative to the advisory committee on athletic trainers.

XLI. RSA 326-G:5, relative to the duties of the advisory committee on athletic trainers.

XLII. RSA 326-G:6, relative to the civil immunity for members of the advisory committee on athletic trainers.

XLIII. RSA 326-G:7, I, relative to the board of medicine's authority to adopt certain rules regarding license application.

XLIV. RSA 326-G:7, IV, relative to the board of medicine's authority to adopt certain rules regarding fees.

XLV. RSA 326-G:9, relative to requirements for temporary certification as an athletic trainer.

XLVI. RSA 326-G:11, relative to expiration and renewal of certificates to practice as an athletic trainer.

XLVII. RSA 326-G:12, relative to suspension, revocation, or refusal to issue certification for athletic trainers.

XLVIII. RSA 326-G:13, relative to the board of medicine's authority to conduct hearings related to athletic trainers.

XLIX. RSA 326-G:15, making it a misdemeanor for a person to violate certain laws governing the practice of athletic training.

L. RSA 328-A:1, VII, relative to the definition of the physical therapy advisory committee.

LI. RSA 328-A:5, I, relative to renewal and expiration of licenses to practice physical therapy.

LII. RSA 328-A:6, relative to the board of medicine's authority to adopt certain administrative rules regarding fees.

LIII. RSA 328-A:7, relative to the board of medicine's duty to maintain certain records and to keep a register of all persons licensed to practice physical therapy.

LIV. RSA 328-A:8, relative to the physical therapy advisory committee.

LV. RSA 328-A:9, relative to the board of medicine's disciplinary authority over physical therapists.

LVI. RSA 328-A:13, relative to temporary licensure to practice physical therapy.

LVII. RSA 328-A:14, I, relative to the board of medicine's authority to adopt certain rules regarding the advisory committee.

LVIII. RSA 328-A:14, III, relative to the board of medicine's authority to adopt certain rules regarding fees.

LIX. RSA 329:9, X, relative to rulemaking authority of the board of medicine regarding occupational therapists.

LX. RSA 329:9, XI, relative to rulemaking by the board of medicine regarding physical therapists.

LXI. RSA 329:9, XII, relative to rulemaking by the board of medicine regarding athletic trainers.

60 Effective Date. This act shall take effect January 1, 1998.

#### AMENDED ANALYSIS

This bill replaces and modifies certain laws governing the practice of athletic training, occupational therapy, respiratory care, physical therapy, and speech-language pathology. The bill establishes governing boards for each of these areas of practice and a board of directors consisting of the chairpersons of each of the governing boards. It imposes certain duties and gives certain authority to the governing boards and the board of directors, respectively, for the purposes of regulating these professions.

The bill also gives the board of directors the authority to hire an unclassified executive director. This bill also makes certain provisions of law gender neutral in accordance with RSA 17-A:6. This bill is a request of the board of medicine.

Adopted.

Report adopted and referred to Executive Departments and Administration.

**HB 557-FN-L**, establishing a welfare reserve fund and relative to a city or town's liability for general assistance. **INEXPEDIENT TO LEGISLATE**

Rep. Carol Moore for Health, Human Services and Elderly Affairs: The committee overwhelmingly voted this bill Inexpedient to Legislate. We are aware that welfare reform is only four weeks old, that any so called "surplus" money may need to be accessed now in order to be used for childcare and transportation costs in order to support getting people off welfare, and that this bill is simply too restrictive at this time. Vote 16-2.

Adopted.

**HB 567-FN-L**, relative to administration of vital records. **OUGHT TO PASS**

Rep. Marion Copenhaver for Health, Human Services and Elderly Affairs: The committee heard very compelling testimony that the Bureau of Vital Statistics join in the electronic age in the administration of their vital records. All the testimony was favorable and had the support of town clerks. Vote 17-2.

Adopted and ordered to third reading.

**HB 592-FN-A-L**, establishing a brain and spinal cord injury trust fund and an advisory council on brain and spinal cord injuries and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: This bill was amended to remove the establishment of a trust fund which would jeopardize the creation of an advisory council on brain and spinal cord injuries, thus enabling them to apply for and receive any grants available. Vote 16-0.

#### Amendment (0443h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing an advisory council on brain and spinal cord injuries.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court desires to prevent significant injuries resulting from alcohol and speed-related motor vehicle collisions, violent acts, and other causes that result in brain and spinal cord injuries. It is also the intent of the general court to provide effective care, rehabilitation, and family support for New Hampshire citizens who are seriously injured and who have inadequate resources to meet their long-term needs. Therefore, the general court hereby establishes the New Hampshire brain and spinal cord injury advisory council.

2 New Chapter; New Hampshire Brain and Spinal Cord Injury Advisory Council. Amend RSA by inserting after chapter 137-J the following new chapter:

#### CHAPTER 137-K

##### NEW HAMPSHIRE BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL

137-K:1 Purpose. The purpose of this chapter is to support injury prevention efforts and to help meet the needs of individuals who have sustained brain and spinal cord injuries, who would otherwise be dependent on the public for their care and rehabilitation.

137-K:2 Advisory Council.

I. There is established the New Hampshire brain and spinal cord injury advisory council in the department of health and human services. The advisory council shall consist of the following members:

(a) Three members nominated by the New Hampshire Brain Injury Association, appointed by the governor and who are the survivor, parent, spouse, or guardian of a person who is afflicted with a brain or spinal cord injury.

(b) Two members appointed by the governor who represent the professional community working in brain and spinal cord injury in treatment, rehabilitation, and community-based programs.

(c) One senate member or designee, appointed by the senate president.

(d) One house member, appointed by the speaker of the house of representatives.

(e) Two members appointed by the New Hampshire Brain Injury Association.

(f) One member representing the bureau of vocational rehabilitation, appointed by the commissioner of education.

(g) One member representing the Injury Prevention Center at Dartmouth Medical School, appointed by the department head responsible for the program.

II. The following members shall serve 3-year terms, provided that the initial terms of the members appointed under paragraph I shall be as follows: One member in subparagraphs I(a) and (b) and one member in subparagraph (e) shall serve for one year; one member in subparagraph I(a), one member in subparagraph I(b), and one member in subparagraph I(e) shall serve for 2 years; and one member in subparagraph I(a) and the member in subparagraph I(g) shall serve for 3 years. The remaining members shall serve terms coterminous with their terms of office. The members shall be appointed within 30 days of the effective date of this section. In the event of death or resignation of any members of the advisory council, a successor shall be appointed by the person or entity that made the original appointment, and the successor appointed to the vacancy shall serve for the remainder of the unexpired term. The members of the advisory council shall serve without compensation, however the legislative members shall receive mileage at the legislative rate for each day of actual attendance at called meetings.

III. The council shall elect a chairperson and vice-chairperson from among its membership at its first meeting which shall be held not later than 45 days after the effective date of this section.

IV. The advisory council shall:

(a) Meet at least quarterly to identify unmet needs which should be considered for support.

(b) Investigate the needs of citizens with brain and spinal cord injuries, identifying the gaps in services to these citizens, and issue an annual report to the governor, the speaker of the house, the senate president, and the commissioner of health and human services by November 1 of each year.

(c) Recommend to the commissioner priorities and criteria for disbursement of any monies received under paragraph V.

(d) Hold at least 2 public hearings annually, in different regions of the state, to generate input from the public on unmet needs.

(e) Consider the feasibility of establishing a brain and spinal cord injury trust fund.

V. The advisory council is authorized to solicit and receive any gifts, grants or donations made for the purposes of this chapter and the commissioner may disburse and administer the same for the purposes consistent with this chapter.

137-K:3 Rulemaking. The commissioner of health and human services shall, after consultation with the advisory council established in RSA 137-K:2, adopt rules under RSA 541-A relative to:

I. Direct assistance, service coordination, family support activities for individuals with serious brain or spinal cord injuries and their families and injury prevention activities which may be supported by any grants received under this chapter.

II. Eligibility criteria for direct assistance and family support services.

III. Procedures for disbursements of grants.

IV. Eligibility criteria and service requirements for care and rehabilitation services for individuals with serious brain and spinal cord injuries provided by the department through existing programs.

V. Any other matter necessary for the administration of this chapter.

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and referred to Finance.

**HB 646-FN-A**, relative to eligibility for child day care services for persons receiving public assistance and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Carol Moore for Health, Human Services and Elderly Affairs: The committee felt strongly that the appropriation in this bill will greatly aid poor families to afford quality day care. Since we are attempting to get and keep people off welfare, (stipulating that this happens within two years), families who now spend up to 25% of their incomes for day care would be helped to a certain extent enabling them to keep their jobs. This bill appropriates \$500,000 in FY 1998 and \$500,000 in FY 1999. Vote 14-1.

**Amendment (0552h)**

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$500,000 for the fiscal year ending June 30, 1998 and the sum of \$500,000 for the fiscal year ending June 30, 1999 are hereby appropriated to the department of health and human services for the purposes of providing public assistance for child day care to at least those families whose gross monthly income is 190 percent or less of the federal poverty guidelines and who meet all other eligibility requirements. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted and referred to Finance.

**HB 686-FN-A**, relative to financing of child day care facilities and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph Manning for Health, Human Services and Elderly Affairs: This bill encourages the expansion of child care facilities. In order to assure the successful transition from welfare to workfare and thus eventually reducing state and local expenditure, it is fiscally sound to encourage the growth of child care facilities necessary to make workfare work. This bill makes a bonded appropriation of \$1,200,000 for fiscal year 1998. Vote 19-0.

**Amendment (0472h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The purpose of this act is to establish the child day care revolving loan fund to be used to provide low interest loans for child day care providers to establish child day care programs and facilities which will improve the quality, availability, and safety of licensed and legally-operating child day care homes and centers, and to assist providers to comply with the federal Americans With Disabilities Act.

2 New Section; Child Day Care Revolving Loan Fund Established. Amend RSA 170-E by inserting after 5-a the following new section:

170-E:5-b Child Day Care Revolving Loan Fund.

I. There is established the child day care revolving loan fund to provide low interest loans for child care providers. The primary purposes of these low interest loans include:

(a) To construct wheelchair and handicap access ramps, van conversions, and bathroom renovations to accommodate children with disabilities.

(b) To pay for expansion or construction costs to serve more children under the state voucher program for low income families to meet the expected increase of families receiving Aid to Families With Dependent Children entering the work force.

(c) To renovate or upgrade current facilities to maintain or exceed code requirements.

(d) To renovate or expand facilities to serve infants and toddlers.

(e) To allow after-school programs to expand to expand and purchase start-up supplies, including storage, for school-age children.

(f) To enable day care providers to secure a more stable environment and continuity of services through ownership or extended lease arrangements.

(g) To allow providers to access advance payments to pay staff during the start-up of state reimbursed child care programs.

(h) To allow the purchase or lease of vans to transport children.

II. Criteria for consideration of loan applicants shall include the provider's commitment to enroll low-income children, Title XX children, and children with disabilities, or legally-operating provider who provide services to these populations. In addition, applicants shall:

(a) Be fiscally sound as shown in a financial statement.

(b) Meet state and local operating and zoning regulations, including public health, fire, and safety requirements, or present a local exemption from regulations.

(c) Demonstrate a commitment to providing quality day care through one or more of the following:

(1) Local resource and referral relationship.

(2) Family day care support group participation.

(3) Enrollment in the United States Department of Agriculture food program.

(4) Documentation of training in the Child Care Basics program.

(d) Agree to accept children with disabilities, and those children eligible for state-subsidized care shall receive priority and shall be placed at the top of a waiting list.

(e) Address a geographic or community need for projected day care services.

III.(a) The department of health and human services shall, after consultation with the state child care advisory committee established in RSA 126-A:17, be authorized to adopt rules pursuant to RSA 541-A, relative to the implementation and administration of the child day care revolving loan program under this act.

(b) The department shall also notify providers of the availability of the loans and shall provide guidelines for loan application. Notification shall be made publicly, as well as through child care associations and the child care resource and referral network of New Hampshire.

IV. Loan recipients shall repay any loan funded pursuant to this section on such terms and conditions as are recommended by the department of health and human services. The term of the loan shall be no less than 5 and no longer than 20 years and shall, to the extent possible and consistent with this section, be determined so as to match the useful life of the improvements funded by the loan. The terms and conditions shall be contained in the binding agreement between the state and the child day care provider and may include provisions for a lien on the property, and shall be sufficient to fully reimburse the state for the principal and interest payments on that portion of the bonds used to fund the loan. The department of health and human services shall administer the funds utilizing current personnel.

3 Appropriation. The sum of \$1,200,000 is hereby appropriated, in addition to any other sums appropriated, to the department of health and human services, to be deposited in the child day care revolving loan fund, established in RSA 170-E:5-b for the fiscal year ending June 30, 1998, for the purposes outlined in this act. This appropriation shall be nonlapsing.

4 Bonds Authorized. To provide for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding \$1,200,000 for such purposes and may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

5 Effective Date. This act shall take effect July 1, 1997.

Adopted.

On a division vote, 233 members having voted in the affirmative and 87 in the negative, the report was adopted.

Referred to Finance.

**HB 690**, establishing a long-term care institute. OUGHT TO PASS WITH AMENDMENT

Rep. Peter Batula for Health, Human Services and Elderly Affairs: This bill establishes a long term care institute whose purpose is to educate and encourage the public to address the need for long term care at an earlier age. The effects of this bill may also have a tendency to lower insurance coverage rates simply by the increased number of participants who prepare for this need. This bill requires no state funds, relying on grants. Vote 12-6.

#### Amendment (0439h)

Amend RSA 126-I:3, I(1) as inserted by section 2 of the bill by replacing it with the following:

(1) A representative of the New Hampshire Association of Residential Care Homes, appointed by such association.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

**HB 697-FN-A-L**, establishing a homeless prevention fund, to be funded by a temporary homeless prevention state property tax, and making appropriations to the fund for fiscal years 1998 and 1999. RE-REFER TO COMMITTEE

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The majority felt that the bill as presented had serious fiscal problems and should be studied to address these. The committee does not have this fiscal expertise, but is supportive of the basic policy addressing the homeless. Vote 18-0.

Adopted.

**HB 718**, changing that which constitutes the practice of medicine. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carol Moore for Health, Human Services and Elderly Affairs: The majority of the committee felt that this bill, which limits the use of laser surgery to those doctors who are trained to provide this type of treatment, is very important. At present, anyone can gain access to lasers which are very dangerous if misused. Vote 17-2.

**Amendment (0454h)**

Amend the bill by replacing section 1 with the following:

1 Practice of Medicine; Use of Laser for Surgery Added. Amend RSA 329:1 to read as follows:

329:1 Practice. Any person shall be regarded as practicing medicine under the meaning of this chapter who shall diagnose, ~~[operate on,]~~ *treat, perform surgery, or* prescribe ~~[for or otherwise treat any]~~ *any treatment of medicine for any disease or human ailment* ~~[whether physical or mental]~~. *"Surgery" means any procedure, including but not limited to laser, in which human tissue is cut, shaped, burned, vaporized, or otherwise structurally altered, except for those procedures otherwise specifically authorized for dentists licensed under RSA 317-A and podiatrists licensed under RSA 315.*

Adopted.

Report adopted and ordered to third reading.

**HB 765-FN**, establishing an osteoporosis prevention, education, and treatment program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: This bill would address the 1.5 million fractures that occur annually at an estimated cost of \$10 billion or \$27 million each day in the United States. With this legislation the first step towards this goal is realized. Vote 13-6.

**Amendment (0455h)**

Amend RSA 126-I:3, I as inserted by section 2 of the bill by replacing it with the following:

I. There is established an osteoporosis advisory council. The advisory council shall consist of the following members: the commissioner of health and human services, or designee; one member of the house of representatives, appointed by the speaker of the house; one member of the senate, appointed by the senate president; and 11 members appointed by the governor, one representing a women's health organization, 6 health care providers representing the following professions: radiology, orthopedics, nursing, physical therapy, naturopathic medicine, and nutrition; a person with osteoporosis; a public health educator; a social worker; and an expert in bone and osteoporosis research, prevention, and treatment. The term of office for the 11 members appointed by the governor shall be 3 years and until a successor is appointed, provided that for initial appointments 3 members shall serve a 1-year term, 4 members shall serve a 2-year term, and 4 members shall serve a 3-year term. The terms of the remaining members shall be coterminous with their terms in office. Vacancies shall be filled in the same manner and for the unexpired terms. Members of the council shall serve without compensation, however the legislative members shall receive mileage at the legislative rate. The advisory council shall assist in the development and implementation of the program established under this chapter. The advisory council may make recommendations relating to the adoption of rules and necessary legislation.

Adopted.

Report adopted and referred to Finance.

**HB 792-FN-L**, prohibiting trusts, annuities, and other legal devises from being used to shelter wealth for the purposes of medicaid eligibility. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles Ferguson for Health, Human Services and Elderly Affairs: The amendment removes the term "annuities" that had been added to the trust provision passed in 1995 in HB 32 (Chapter 310, Laws of 1995). It removes the sunset provision and corrects some of the previous language and makes the trust provision permanent law. Vote 16-0.

**Amendment (0479h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** prohibiting trusts and other legal devises from being used to shelter wealth for the purposes of medicaid eligibility.

Amend the bill by replacing all after the enacting clause with the following:

1 Eligibility for Assistance; Trust Void as Against Public Policy. RSA 167:4, II and III are repealed and reenacted to read as follows:

II.(a) It is hereby found and determined by the general court that the medicaid eligibility laws of this state are in need of amendment to assure that otherwise ineligible individuals are prevented from artificially impoverishing themselves to receive benefits to which they are not otherwise entitled and to facilitate recovery of improperly obtained benefits and to assure the fiscal integrity of the funds appropriated for medicaid.

(b) Notwithstanding any provision of law to the contrary, in this section:

(1) "Trust" means a trust, or *similar legal* device, established other than by will by an individual or an individual's spouse under which *the* individual or spouse may be a beneficiary of all or part of *the payments from the trust, and shall include trusts, conservatorships, and guardianships.*

(2) "Grantor" means the individual, institution, or entity that established, created, or funded the trust and shall also include fiduciaries and third parties.

(c) Notwithstanding any provision of law to the contrary, a provision in a trust, other than a testamentary trust, or any trust allowed under federal law, which limits the availability of, or provides directly or indirectly for the suspension, termination, or diversion of the principal, income or beneficial interest of either a public or medical assistance recipient or his or her spouse in the event that the recipient or spouse should apply for public assistance or medical assistance or require medical, hospital or nursing care or long-term custodial, nursing or medical care shall be void as against the public policy of the state of New Hampshire, without regard to the irrevocability of the trust or the purpose for which the trust was created, and without regard to whether the trust was created pursuant to court order.

(d) This paragraph is remedial in nature and is enacted to prevent individuals otherwise ineligible for medical assistance benefits from making themselves eligible *by creating trusts in order to preserve their assets.*

III. Paragraph II of this section shall not apply to any trust in existence on or before *November 1, 1995.*

2 Repeal. The following are repealed:

I. 1995, 310:170, VIII, relative to the prospective repeal of RSA 167:4, II and III.

II. 1995, 310:203, VI, relative to the effective date of the prospective repeal of RSA 167:4, II and III.

3 Effective Date.

I. Section 2 of this act shall take effect June 29, 1997.

II. The remainder of this act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill repeals a prospective repeal of a provision of law prohibiting the use of trusts as a method of sheltering wealth for the purposes of medicaid eligibility and modifies such provision. The prospective repeal would have been effective June 30, 1997.

Adopted.

Report adopted and ordered to third reading.

**HB 515-FN**, establishing the New Hampshire commission on the status of fatherhood. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Marjorie K. Smith for the Majority of Judiciary and Family Law: The committee shares the sponsor's concern about issues relating to responsible fatherhood. However, the committee concluded that the Commission on the Status of the Family is the appropriate place where these issues could be addressed. Two members of the Judiciary and Family Law Committee serve on the Commission and have committed to bring these concerns about fathers to the Commission. Vote 11-7.

Rep. David A. Bickford for the Minority of Judiciary and Family Law: The absence of fathers in our children's lives is at a chronic and inexcusable low. The average child can expect to live a significant portion of his or her life in a home without a father. A recent study indicates 52% of divorced families had not seen their fathers in the past year. This bill establishes a Commission to: secure appropriate recognition for fathers' contribution toward parenting and it's value to children; support efforts to encourage responsible and effective fatherhood; increase public awareness about

the importance of fatherhood through public education campaigns and effective use of the "bully pulpit"; and help turn the hearts of fathers back to their children. This bill was encouraged by the Council of Governor's Policy Advisors, and recommended by the New Hampshire Dept. of Health & Human Services and the UNH Family Research Lab.

Rep. Bickford requested a Quorum Count.

The Speaker declared a quorum present.

Reps. Bickford and Jacobson spoke against.

Reps. Marjorie Smith and Woods spoke in favor.

Rep. Bickford requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 236 NAYS 89

### YEAS 236

#### BELKNAP

Bartlett, Gordon  
Lawton, Robert  
Turner, Robert

Boriso, Thomas  
Rice, Thomas, Jr.  
Veazey, John

Holbrook, Robert  
Rosen, Ralph  
Ziegler, Alice

Lawton, David  
Thomas, John

#### CARROLL

Bradley, Jeb  
Foster, Robert

Chandler, Gene  
Howard, Godfrey

Cooper, Kipp  
Lyman, L. Randy

Dickinson, Howard, Jr.  
Patten, Betsey

#### CHESHIRE

Avery, Stephen  
Lynch, Margaret  
McNamara, Wanda  
Royce, H. Charles

Bonneau, Sarah  
Lynott, Margaret  
Richardson, Barbara  
Smith, Edwin

Champagne, Richard  
Manning, Joseph  
Riley, William  
Steere, Myron, III

Hunt, John  
McGuirk, Paul  
Robertson, Timothy

#### COOS

Bradley, Paula  
Mears, Edgar  
Tholl, John, Jr.

Guay, Lawrence  
Merrill, Gerald

Hawkinson, Marie  
Moynihan, Wayne

Horton, Lynn  
Pratt, Leighton

#### GRAFTON

Alger, John  
Guaraldi, Lawrence  
Phinney, William

Almy, Susan  
Guest, Robert  
Root, John

Below, Clifton  
Hill, Richard  
Trelfa, Richard

Copenhaver, Marion  
Nordgren, Sharon  
Williams, William, Jr.

#### HILLSBOROUGH

Ackerman, Philip  
Arnold, Thomas, Jr.  
Brundige, Robert  
Carney, Lauren  
Clemons, Jane  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Golding, William  
Hansen, Herbert  
Johnson, Lionel  
Lefebvre, Roland  
MacAuslan, Rita  
McGough, Tim  
Mittelman, David  
Riley, Frances  
Vaillancourt, Steve

Allen, W. Gordon  
Asselin, Robert  
Burke, M. Virginia  
Chabot, Robert  
Cote, David  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Gage, Ruth  
Gosselin, Gerald  
Herman, Keith  
Kelley, Robert  
Lessard, Rudy  
MacGillivray, Jeffrey  
McRae, Karen  
Morello, Michael  
Sargent, Maxwell  
Wheeler, Robert

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr.  
Christiansen, Lars  
Daniels, Gary  
Durham, Susan  
Fields, Dennis  
Gagnon, Eugene  
Goulet, Maurice  
Holden, Carol  
Kurk, Neal  
Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
O'Hearn, Jane  
Searles, Stanley, Sr.  
White, Jay

Amidon, Eleanor  
Bergin, Peter  
Cardin, Lori  
Clay, Susan  
Dawe, Eileen  
Dyer, Merton  
Foster, Linda  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Holt, David  
LaRose, Richard  
Lynde, Harold  
McCarty, Winston  
Messier, Irene  
Peterson, Andrew  
Thulander, O. Alan  
Wright, George

**MERRIMACK**

Anderson, Eric  
Daneault, Gabriel  
Fraser, Marilyn  
Hoadley, Elizabeth  
Marshall, Kenneth  
Nichols, Avis  
Seldin, Gloria  
Whittemore, James

Burney, Carol  
DeStefano, Stephen  
French, Barbara  
Lamach, Bernard  
Maxfield, Roy  
Pfaff, Terence  
Wallin, Jean  
Yeaton, Charles

Chandler, Earle  
Dunn, Miriam  
Gile, Mary  
Langer, Ray  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Crosby, Toni  
Feuerstein, Martin  
Hess, David  
Lockwood, Robert  
Morrill, Olive  
Rogers, Katherine  
Whalley, Michael

**ROCKINGHAM**

Aranda, M. Kathryn  
Case, Margaret  
Cooney, Richard  
Dowd, Sandra  
Fesh, Robert  
Frechette, Joseph  
Henderson, Warren  
Katsakiores, Phyllis  
Langone, John  
Micklon, Stephanie  
O'Keefe, Patricia  
Sabella, Norma  
Varrell, Thomas

Arndt, Janet  
Christie, Andrew, Jr.  
Cote, Patricia  
Downing, Michael  
Flanagan, Natalie  
Gleason, John  
Hutchinson, Rebecca  
Kelley, Jane  
Letourneau, Robert  
Mikowski, Walter  
Packard, Sherman  
Schanda, Frank  
Weatherspoon, Jackie

Battles-Peirce, Marjorie  
Clark, Martha  
Cushing, Robert  
Dube, LeRoy  
Flanders, John, Sr.  
Griffin, Mary  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Major, Norman  
Norelli, Terie  
Pantelakos, Laura  
Stritch, C. Donald  
Welch, David

Beaulieu, Jon  
Coes, Betsy  
Dearborn, Bruce  
Dunham, Vivian  
Francoeur, Sheila  
Heath, John  
Katsakiores, George  
Kobel, Rudolph  
McKinney, Betsy  
Noyes, Richard  
Raynowska, Bernard  
Syracusa, Anthony  
Woods, Deborah

**STRAFFORD**

Brown, Julie  
Kaen, Naida  
McKinley, Robert  
Rogers, Rose Marie  
Torr, Ann

DeChane, Marlene  
Keans, Sandra  
Merrill, Amanda  
Smith, Marjorie  
Torr, Franklin

Dunlap, Patricia  
Knowles, William  
Merritt, Deborah  
Snyder, Clair  
Tsiros, William

Estabrook, Iris  
Lundborn, Raymond  
Musler, George  
Spear, Barbara  
Wall, Janet

**SULLIVAN**

Adler, Rudolf  
Ferland, Brenda  
Lindblade, Eric

Burling, Peter  
Flint, Gordon  
Palmer, Lorraine

Cloutier, John  
Krueger, Richard  
Wiggins, Celestine

Donovan, Thomas  
Leone, Richard

**NAYS 89****BELKNAP**

Boyce, Robert

Laflam, Robert

Salatiello, Thomas

**CARROLL**

Babson, David, Jr.

Kenney, Joseph

Mock, Henry

**CHESHIRE**

Burnham, Daniel

Meador, David

Pratt, John

Vogl, John

**COOS**

Coulombe, Henry

Coulombe, Yvonne

Davis, Perley

St. Hilaire, Paul

**GRAFTON**

Akins, Ralph  
MacNeil, Allen

Ham, Bonnie  
Weber, Phil

Hinman, Harry

Lovett, Sidney

**HILLSBOROUGH**

Barry, William, III  
Buckley, Raymond  
D'Allesandro, Lou

Batula, Peter  
Carlson, Donald  
Daigle, Robert

Bernier, Shannon  
Clegg, Robert, Jr.  
Flora, Kathleen

Briefs, Geoffrey  
Cote, Peter  
Foster, Joseph

Hall, Betty  
Jean, Loren  
Letendre, Evelyn  
McDonald, James, Sr.  
O'Rourke, Thomas

Hart, Nick  
L'Heureux, Robert  
Luebker, Bernard  
Melcher, Harold  
Perkins, Paul

Holley, Sylvia  
Leishman, Peter  
Martin, Mary  
Murch, George  
Welch, Donald

Hunter, Bruce  
Leonard, Peter  
McCarthy, William  
Murphy, Robert  
White, Donald

### MERRIMACK

Brown, Mary  
David

Colburn, Thomas  
Leber, William

Jacobson, Alf  
Owen, Derek

Krueger, Patricia Larrabee,  
St. Cyr, Gerard

### ROCKINGHAM

Belanger, Ronald  
Dowling, Patricia  
McCarthy, John, Jr.  
Stickney, Nancy

Bishop, Franklin  
Johnson, Robert  
Millard, Ralph  
Vaughn, Charles

Camm, Kevin  
Langley, Jane  
Morris, Debbie  
Verani, Giovanni

Dodge, Robert  
Malcolm, Kenneth  
Smith, Kevin  
Weyler, Kenneth

### STRAFFORD

Bickford, David  
Hilliard, Dana  
Sullivan, Henry

Brennan, William  
McCann, William, Jr.  
Twardus, Joseph

Callaghan, Frank  
Pelletier, Arthur  
Vachon, Dennis

Hemon, Roland  
Rollo, Michael

### SULLIVAN

Allison, David

Schotanus, Merle

and the report was adopted.

Rep. Hunter voted nay and meant to vote yea.

Rep. Simmons did not vote and wished to be recorded in favor.

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Bickford requested that his protest be entered on the Journal.

I protest the action of the House because of the following:

Dr. Louis Sullivan former U.S. Secretary of Health and Human Services declares fatherlessness America's number-one social problem. The most disturbing social trend of our time is the dramatic increase of fatherless children in America and New Hampshire is no exception. In 1960, eight million; today, 23 million. A recent study indicates 52 percent of adolescents in divorced families had not seen their fathers in the past year. Perhaps even more disturbing than divorce rates is the increasing trend of "father flight;" men abandoning their children even before they are born. Forty percent of children in father-absent homes have not seen their fathers at all during the previous year. Only one in six sees their fathers an average of once or more per week. More than half of all children who do not live with their fathers have never been in their fathers' homes. Fifty-seven percent of unwed fathers consistently visit their children during the first two years of life, but by the time their children reach 2½ old that percentage drops to less than 25 percent. A 1992 Gallup poll found that 50 percent of all adults agreed that fathers today spend less time with their children than their fathers did with them.

Research over the past three decades has been clear that active father involvement in child rearing yields positive benefits for children. Significant increases in academic achievement, social competence, self-esteem and adolescent and adult adjustment are all positively affected by having an involved father. A study that looked at violent misbehavior in schools found that perpetrators are 11 times more likely to have uninvolved fathers than non-perpetrators. Another study found that across the country 70 percent of incarcerated inmates were without fathers for a significant amount of time in their lives.

I do not make these remarks to diminish a mothers' contribution as a parent. They are just as important as fathers, perhaps even more so. However, fathers' parenting skills are becoming an untapped resource. So, before fatherhood hits the endangered species list, I recommend we create this commission to study the status of it, report back to us on it, and let it act as a "bully

pulpit" to activate and encourage fathers to be a valuable resource by becoming involved parents; and yes, another state has done the same. Florida enacted a Commission on the Status of Fatherhood last year.

Responsible fatherhood is a positive message to encourage fathers to financially support their children and be a good parent by example. HB 515 is not about demanding people live together that can get along but it is about fathers remaining parents and not drifting away. The Commission on the Status of Fatherhood is a carrot approach instead of the big stick policies the Office of Child Support Enforcement must use.

I have a letter with me from the NH Department of Health and Human Services stating that they want this commission. Part of the reason I expect is because 97 percent of non-custodial parents assigned to their Child Support Enforcement branch are fathers. Once a father is deemed a non-custodial parent, he often concludes it is because he is not in the "best interests of his children." This is a chilling and depressing message. Then he is required to sign up at the Office of Child Support for his money only and told to keep them informed of his whereabouts like a person on probation. This is when some fathers despair and lose their direction. Others do as the state tells them. They pay child support and become non-parent. A Commission on the Status of Fatherhood would offer direction and demonstrate good faith that the state cares about them as parents to their children. This is why it should stand by itself and not be a second thought of the Commission on the Status of the Family which has no provision for father representation on its board of commissioners. This bill was encouraged by the Council of Governor's Policy Advisors, NH Health and Human Services and Plymouth State College Professor of Education and school guidance counselor instructor Dr. Gary Goodnow who testified and recommends this bill as good social policy. The entire staff of the University of NH Family Research Department stands behind this bill and sent Professor Kerry Cielinski to speak in favor of it.

## RECESS

(Speaker Sytek in the Chair)

### REGULAR CALENDAR - PART I (CONT'D.)

**HB 530-FN-A**, establishing civil action filing fee surcharges to fund civil legal assistance to low-income persons and continually appropriating a special fund. **OUGHT TO PASS**

Rep. Marjorie K. Smith for Judiciary and Family Law: This bill creates a non-lapsing and continually appropriated fund to be used by New Hampshire Legal Assistance to provide civil legal representation to New Hampshire's poor. The funds will come from surcharges, ranging from \$2 to \$10, which will be collected by the clerk of court in civil actions filed in district, superior and probate courts. New Hampshire Legal Assistance (NHLA) has been providing free legal assistance in civil actions to low income New Hampshire residents since 1971. Because of unprecedented Congressional budget cuts, NHLA was forced to close two of its five offices and eliminate many positions. There is now no legal assistance office in the north of the state. The majority, committed to the principle that the poor should not be denied access to the legal system, concluded that this funding mechanism provides an opportunity to generate about \$185,000 next year to meet these urgent legal needs of New Hampshire's poor. Vote 11-7.

Rep. MacGillivray spoke against.

Rep. Marjorie Smith spoke in favor.

Rep. MacGillivray requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 188 NAYS 155**

**YEAS 188**

**BELKNAP**

Boriso, Thomas  
Ziegra, Alice

Golden, Paul

Pilliod, James

Salatiello, Thomas

**CARROLL**

Bradley, Jeb

Dickinson, Howard, Jr.

Howard, Godfrey

Mock, Henry

**CHESHIRE**

|                 |                    |                   |                     |
|-----------------|--------------------|-------------------|---------------------|
| Burnham, Daniel | Champagne, Richard | DePecol, Benjamin | Doucette, Richard   |
| Hunt, John      | Lynch, Margaret    | Lynott, Margaret  | Manning, Joseph     |
| McGuirk, Paul   | Meador, David      | Pratt, John       | Richardson, Barbara |
| Riley, William  | Robertson, Timothy | Royce, H. Charles | Vogl, John          |

**COOS**

|                  |                  |               |                 |
|------------------|------------------|---------------|-----------------|
| Bradley, Paula   | Coulombe, Yvonne | Davis, Perley | Guay, Lawrence  |
| Hawkinson, Marie | Horton, Lynn     | Mears, Edgar  | Moynihan, Wayne |

**GRAFTON**

|                  |                    |                        |                |
|------------------|--------------------|------------------------|----------------|
| Almy, Susan      | Below, Clifton     | Copenhaver, Marion     | Guest, Robert  |
| Hill, Richard    | LaMott, Paul       | Lovett, Sidney         | MacNeil, Allen |
| Nordgren, Sharon | Teschner, Douglass | Williams, William, Jr. |                |

**HILLSBOROUGH**

|                            |                     |                  |                        |
|----------------------------|---------------------|------------------|------------------------|
| Ackerman, Philip           | Allen, W. Gordon    | Amidon, Eleanor  | Asselin, Robert        |
| Baroody, Benjamin          | Barry, William, III | Belvin, William  | Bergin, Peter          |
| Bernier, Shannon           | Buckley, Raymond    | Cardin, Lori     | Chabot, Robert         |
| Clay, Susan                | Clemons, Jane       | Cote, David      | Cote, Peter            |
| D'Allesandro, Lou          | Daigle, Robert      | Dawe, Eileen     | Dokmo, Cynthia         |
| Drabinowicz, A. Theresa    | Durham, Susan       | Dwyer, Paul, Sr. | Emerton, Lawrence, Sr. |
| Fields, Dennis             | Foster, Joseph      | Foster, Linda    | Franks, Suzan          |
| Gage, Ruth                 | Gagnon, Eugene      | Ginsburg, Ruth   | Gosselin, Gerald       |
| Haettenschwiller, Alphonse | Haley, Robert       | Hall, Betty      | Hart, Nick             |
| Hunter, Bruce              | Jean, Claudette     | Johnson, Lionel  | Kelley, Robert         |
| L'Heureux, Robert          | LaRose, Richard     | Leishman, Peter  | Leonard, Peter         |
| Lynde, Harold              | MacAuslan, Rita     | Melcher, Harold  | O'Hearn, Jane          |
| O'Rourke, Thomas           | Perkins, Paul       | Reidy, Frank     | Sargent, Maxwell       |
| Searles, Stanley, Sr.      | Vaillancourt, Steve | Welch, Donald    | White, Jay             |

**MERRIMACK**

|                  |                    |                    |                    |
|------------------|--------------------|--------------------|--------------------|
| Burney, Carol    | Crosby, Toni       | Daneault, Gabriel  | DeStefano, Stephen |
| Dunn, Miriam     | Feuerstein, Martin | Fraser, Marilyn    | French, Barbara    |
| Gile, Mary       | Hager, Elizabeth   | Hess, David        | Jacobson, Alf      |
| Lockwood, Robert | Moore, Carol       | Owen, Derek        | Reardon, Tara      |
| Seldin, Gloria   | St. Cyr, Gerard    | Wallner, Mary Jane | Whittemore, James  |
| Yeaton, Charles  |                    |                    |                    |

**ROCKINGHAM**

|                  |                      |                   |                     |
|------------------|----------------------|-------------------|---------------------|
| Arndt, Janet     | Bishop, Franklin     | Case, Margaret    | Clark, Martha       |
| Coes, Betsy      | Cooney, Richard      | Cushing, Robert   | Dowling, Patricia   |
| Downing, Michael | Gleason, John        | Heath, John       | Hutchinson, Rebecca |
| Kane, Cecelia    | Katsakiores, Phyllis | Kelley, Jane      | Langley, Jane       |
| Langone, John    | Lovejoy, Marian      | McGovern, Cynthia | Micklon, Stephanie  |
| Norelli, Terie   | O'Keefe, Patricia    | Pantelakos, Laura | Reardon, Neil       |
| Sabella, Norma   | Schanda, Frank       | Stone, Joseph     | Syracusa, Anthony   |
| Vaughn, Charles  | Weatherspoon, Jackie |                   |                     |

**STRAFFORD**

|                   |                    |                 |                   |
|-------------------|--------------------|-----------------|-------------------|
| Berube, Roger     | Brennan, William   | Brown, Julie    | Callaghan, Frank  |
| DeChane, Marlene  | Dunlap, Patricia   | Estabrook, Iris | Grassie, Anne     |
| Hilliard, Dana    | Kaen, Naida        | Keans, Sandra   | Knowles, William  |
| Lundborn, Raymond | Merrill, Amanda    | Musler, George  | Pelletier, Arthur |
| Pelletier, Marsha | Rogers, Rose Marie | Rollo, Michael  | Smith, Marjorie   |
| Snyder, Clair     | Sullivan, Henry    | Torr, Ann       | Twardus, Joseph   |
| Vachon, Dennis    | Wall, Janet        |                 |                   |

**SULLIVAN**

|                  |                  |                    |                 |
|------------------|------------------|--------------------|-----------------|
| Allison, David   | Burling, Peter   | Cloutier, John     | Donovan, Thomas |
| Flint, Gordon    | Krueger, Richard | Leone, Richard     | Lindblade, Eric |
| Palmer, Lorraine | Schotanus, Merle | Wiggins, Celestine |                 |

**NAYS 155**

**BELKNAP**

|                   |               |                  |                |
|-------------------|---------------|------------------|----------------|
| Bartlett, Gordon  | Boyce, Robert | Holbrook, Robert | Lawton, David  |
| Rice, Thomas, Jr. | Rosen, Ralph  | Thomas, John     | Turner, Robert |
| Veazey, John      |               |                  |                |

**CARROLL**

|                    |                |                   |                 |
|--------------------|----------------|-------------------|-----------------|
| Babson, David, Jr. | Chandler, Gene | Kenney, Joseph    | Lyman, L. Randy |
| MacDonald, Kenneth | Patten, Betsey | Philbrick, Donald |                 |

**CHESHIRE**

|                |                 |                    |
|----------------|-----------------|--------------------|
| Avery, Stephen | McNamara, Wanda | Steere, Myron, III |
|----------------|-----------------|--------------------|

**COOS**

|                  |                 |                 |                   |
|------------------|-----------------|-----------------|-------------------|
| Coulombe, Henry  | Merrill, Gerald | Pratt, Leighton | St. Hilcire, Paul |
| Tholl, John, Jr. |                 |                 |                   |

**GRAFTON**

|                    |               |                  |                  |
|--------------------|---------------|------------------|------------------|
| Akins, Ralph       | Alger, John   | Chase, Paul, Jr. | Eaton, Stephanie |
| Guaraldi, Lawrence | Hinman, Harry | Phinney, William | Root, John       |
| Trelfa, Richard    | Weber, Phil   |                  |                  |

**HILLSBOROUGH**

|                    |                     |                       |                       |
|--------------------|---------------------|-----------------------|-----------------------|
| Alukonis, David    | Arnold, Thomas, Jr. | Batula, Peter         | Boutin, David         |
| Briefs, Geoffrey   | Brundige, Robert    | Calawa, Leon, Jr.     | Carlson, Donald       |
| Christiansen, Lars | Clegg, Robert, Jr.  | Daniels, Gary         | Desrosiers, William   |
| Dyer, Merton       | Fenton, James       | Ferguson, Charles     | Flora, Kathleen       |
| Golding, William   | Goulet, Maurice     | Hansen, Herbert       | Herman, Keith         |
| Holden, Carol      | Holley, Sylvia      | Holt, David           | Jean, Loren           |
| Kurk, Neal         | Lefebvre, Roland    | Lessard, Rudy         | Letendre, Evelyn      |
| Lozeau, Donnalee   | Luebker, Bernard    | MacGillivray, Jeffrey | Marcinkowski, Michael |
| Martin, Mary       | McCarthy, William   | McCarty, Winston      | McDonald, James, Sr.  |
| McGough, Tim       | Mercer, Robert      | Messier, Irene        | Milligan, Robert      |
| Mittelman, David   | Morello, Michael    | Murch, George         | Murphy, Robert        |
| Pepino, Leo        | Piteri, Dawn        | Riley, Frances        | Thulander, O. Alan    |
| Wheeler, Robert    | White, Donald       | Wright, George        |                       |

**MERRIMACK**

|                    |                   |                 |                   |
|--------------------|-------------------|-----------------|-------------------|
| Anderson, Eric     | Brown, Mary       | Chandler, Earle | Colburn, Thomas   |
| Hoadley, Elizabeth | Krueger, Patricia | Lamach, Bernard | Langer, Ray       |
| Larrabee, David    | Lavoie, Gerard    | Leber, William  | Marshall, Kenneth |
| Maxfield, Roy      | Morrill, Olive    | Nichols, Avis   | Pfaff, Terence    |
| Wallin, Jean       | Whalley, Michael  |                 |                   |

**ROCKINGHAM**

|                     |                          |                   |                       |
|---------------------|--------------------------|-------------------|-----------------------|
| Aranda, M. Kathryn  | Battles-Peirce, Marjorie | Beaulieu, Jon     | Belanger, Ronald      |
| Camm, Kevin         | Carson, Gregory          | Cegelis, Mark     | Christie, Andrew, Jr. |
| Cote, Patricia      | Dearborn, Bruce          | Dodge, Robert     | Dowd, Sandra          |
| Dube, LeRoy         | Dunham, Vivian           | Fesh, Robert      | Flanagan, Natalie     |
| Flanders, John, Sr. | Francoeur, Sheila        | Frechette, Joseph | Griffin, Mary         |
| Henderson, Warren   | Klemm, Arthur, Jr.       | Kobel, Rudolph    | Letourneau, Robert    |
| Major, Norman       | McCarthy, John, Jr.      | McKinney, Betsy   | Mikowski, Walter      |

Millard, Ralph  
Packard, Sherman  
Stickney, Nancy  
Verani, Giovanni

Moore, Benjamin  
Raynowska, Bernard  
Stritch, C. Donald  
Welch, David

Morris, Debbie  
Simmons, John Anthony  
Tufts, J. Arthur  
Weyler, Kenneth

Noyes, Richard  
Smith, Kevin  
Varrell, Thomas  
Woods, Deborah

### STRAFFORD

Bickford, David  
Torr, Franklin

McCann, William, Jr.  
Tsiros, William

McKinley, Robert

Spear, Barbara

### SULLIVAN

Adler, Rudolf

Ferland, Brenda

and the report was adopted.

Referred to Finance.

Rep. Malcolm did not vote and wished to be recorded against.

### **HB 606-FN-L**, relative to procedures regarding children in need of services under RSA 169-D. **OUGHT TO PASS WITH AMENDMENT**

Rep. David C. Allison for Judiciary and Family Law: A key purpose of this bill revises certain procedures relative to cases involving children in need of services which will require parents and children to become more accountable, more responsible. The committee worked collaboratively with the state's juvenile justice system and the Division of Children, Youth and Families in crafting this legislation. The bill will facilitate preventive and early intervention in court diversion programs. Vote 10-3.

### **Amendment (0622h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Applicability; Purpose. RSA 169-D:1, I and II are repealed and reenacted to read as follows:

I. To recognize that certain behaviors occurring within a family or school environment indicate that a child is experiencing serious difficulties and is in need of services and corrective action in order to protect the child from the irreversibility of certain choices, and to protect the integrity of the family and the authority it must maintain in order to fulfill its responsibility to raise the next generation. To further provide the child with the treatment, care, guidance, counseling, discipline, supervision, and rehabilitation necessary to assist the child in becoming a responsible and productive member of society;

II. To recognize that we must no longer bring the weight of family problems down on the child alone but that parents must be made aware of their contribution to the problem, must account for their role in the solution to the problem, and must accept the responsibility to participate in any program of care ordered by the court in order to assure that the outcome may have a good probability of success, while, at the same time, supporting families in their mission to teach values to youth and to exercise reasonable control of their children.

2 Applicability; Purpose. RSA 169-D:1, V is repealed and reenacted to read as follows:

V. To achieve the foregoing purposes and policies by providing each child coming within the provisions of this chapter with a program of care, treatment, guidance, counseling, discipline, supervision, and rehabilitative resources which the child needs.

3 New Paragraph; "Diversion" Defined. Amend RSA 169-D:2 by inserting after paragraph IV the following new paragraph:

IV-a. "Diversion" means a decision made by a person with authority which results in specific official action of the legal system not being taken or being postponed in regards to a juvenile and, in lieu of such inaction or postponement, providing an individually designed program for delivery of services for the juvenile by a specific provider or a plan to assist the juvenile in finding a remedy for his or her inappropriate behavior. The goal of diversion is to prevent further involvement of the juvenile in the formal legal system. Diversion of a juvenile may take place either at pre-filing as an alternative to the filing of a petition, or at any time after the filing of the petition.

4 "Child in Need of Services" Defined. RSA 169-D:2, IV(c) is repealed and reenacted to read as follows:

(c) A child who has committed an offense which if committed by an adult would be a violation under the criminal code of this state, or who has violated an ordinance or by-law of a city or a town, or a child under 16 who has committed an offense which if committed by a person 16 years of age or older would be a violation under the motor vehicle code of this state; and

5 Definition; Services. Amend RSA 169-D:2, II to read as follows:

II. "Services" means care, guidance, counseling, discipline, supervision, treatment and rehabilitation or any combination thereof. *"Services" also includes, but is not limited to, diagnostic needs assessment, restitution programs, community service, job training and placement, specialized tutoring, constructive academic exercises, constructive recreational activities, general counseling, and counseling during a crisis situation.*

6 New Sections; Filing of Petitions; Filing by Parents, School Officials, Health Care Providers, Mental Health Practitioners, and Guardians Ad Litem; Filing by Law Enforcement Agency. Amend RSA 169-D by inserting after section 4-a the following new sections:

169-D:4-b Petition Filed by Parent, School Official, Health Care Provider, Mental Health Practitioner, or Guardian Ad Litem.

I. A petition alleging a child is in need of services may be filed by a parent, legal guardian or custodian, school official, health care provider, mental health practitioner, or guardian ad litem at the court in the judicial district in which the child is found or resides. The petition shall be in writing and verified under oath.

II. It be legally sufficient, the petition shall set forth with particularity, but not be limited to, the date, time, manner, and place of the conduct alleged, and shall state the statutory provision alleged to have been violated.

III. If the parents of a child are filing the petition, they shall include information which shows that the child and family have sought to resolve the expressed problem through available community alternatives, that the problem still remains, and that court intervention is needed.

IV. No acts which qualify as delinquent acts as described in RSA 169-B:2.IV shall be included in any petition filed under this chapter.

V. Except as provided in paragraph VI, when a school official is filing the petition, information shall be included which shows that the legally liable school district has sought to resolve the expressed problem through available educational approaches; that the school district has sought to engage the parents or guardian in solving the problem, but they have been unwilling or unable to do so; that the problem remains; and that court intervention is needed.

VI. When a school official is filing a petition involving a child determined to be educationally disabled pursuant to RSA 186-C, the official shall include information which demonstrates that the legally liable school district:

(a) Has determined that the child is educationally disabled; and

(b) Has reviewed for appropriateness the child's current individualized education program (I.E.P.) and placement, and has made modifications where appropriate.

VII. After a legally sufficient petition has been filed, the court shall, unless the case is referred to diversion or a consent order is entered and approved, schedule an initial appearance, to be held within 30 calendar days of filing, and issue a summons including a copy of the petition, to be served personally upon the person having custody or control of the child or with whom the child may be, requiring that person to appear with the child on the specified date and time. If personal service is not possible, service shall occur at the usual place of abode of the person having custody or control of the child or with whom the child may be. If the person so notified is not the parent or guardian of the child, a parent or guardian shall be notified by first class mail, with proof of mailing, provided the parent or guardian and their residence are known, or if there is neither parent nor guardian whose residence is known, some relative, if any, if their residence is known.

VIII. If the child or the parent or guardian is not a resident of this state, or if the court determines it would be more efficient, service may be made by first class mail, with proof of mailing.

IX. A copy of the petition shall be attached to each summons or incorporated in such summons.

X. The summons shall state as follows: "Parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements. RSA 186-C, regarding children with educational disabilities, grants children certain rights to special education and related services at public expense and gives their parents the right to appeal school district decisions regarding services to be provided."

169-D:4-c Petition Filed by Law Enforcement Agency.

I. A law enforcement agency may file a petition alleging a child is in need of services with a judge or clerk of the court in the judicial district in which the child is found or resides. The petition shall be in writing and verified under oath.

II. The petitioning law enforcement officer, including a juvenile service officer, may issue a summons in hand to the child and to the child's parent, guardian or such other person having custody and control of the child or with whom the child may be living. If personal service is not possible, service shall occur at the usual place of abode of the person having custody or control of the child or with whom the child may be living. If the person summoned is not the parent or guardian of the child, the parent or guardian shall be notified by the law enforcement agency as soon as practicable provided the parent or guardian and their residence are known or if neither the parent nor guardian or their residence is known, some adult relative, if any, whose residence is known. If the person notified is not the parent or guardian of the child, a parent or guardian shall be notified by certified mail, provided the parent or guardian and their residence are known, or if there is neither parent nor guardian whose residence is known, some relative, if any, if their residence is known.

III. The summons shall contain:

(a) The title and statutory citation invoking the process for children in need of services.

(b) A statement as follows: "Parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements. RSA 186-C, regarding children with educational disabilities, grants children certain rights to special education and related services from school districts at public expense and gives their parents the right to appeal school district decisions regarding programs to be provided."

(c) Brief instructions regarding court procedure as approved by the administrative judge of the district court.

IV. The petitioning law enforcement agency shall file a copy of the summons, along with a legally-sufficient petition, with the court no later than 5 business days after the issuance of the summons.

V. To be legally sufficient, the petition shall set forth with particularity, but not be limited to, the date, time, manner, and place of the conduct alleged, shall state the statutory provision alleged to have been violated, and shall be entitled, "In the interest of \_\_\_\_\_, a child."

VI. After a legally sufficient petition has been filed, the court shall, unless the case is referred to diversion or a consent order is entered and approved, schedule an initial appearance to be held not later than 30 calendar days after the filing of the petition. Notice shall include a copy of the legally sufficient petition and a scheduling order, and shall be made by regular mail directed to the parent or guardian or person having custody or control of the minor.

7 Notice of Petition to Department. RSA 169-D:5-a is repealed and reenacted to read as follows:

169-D:5-a Notice of Petition to Department of Health and Human Services. The court shall serve the department of health and human services with a copy of any petition filed under RSA 169-D:4-b and 4-c, and the department shall have legal standing at and receive notice of all proceedings under this chapter from the time of such service.

8 Warrant for Failure to Appear. RSA 169-D:7, II is repealed and reenacted to read as follows:

II. If the child, parent, guardian, or other person ordered to appear, fails to appear for any scheduled hearing, a bench warrant may be issued for the child's appearance or for the appearance of anyone having custody or control of the child, or for both. Additionally, the court may proceed against the child or anyone having custody or control of the child for their failure to appear, as authorized by RSA 263:56-a.

9 Diversion Substituted for Release Without Court Referral. RSA 169-D:9 is repealed and reenacted to read as follows:

169-D:9 Diversion.

I. At any time before or during a proceeding brought pursuant to this chapter, a child and the child's family may be referred to a court-approved diversion program or other community resource. Referral may be made by a law enforcement agency or juvenile service officer with the consent of the law enforcement agency prior to or after filing a petition with the court, upon the court's own motion, or at the request of any party with the approval of the court. The administrative judge of the district court shall have authority to approve diversion procedures for use by the courts in all juvenile matters throughout the state.

II. Referral after filing is appropriate if:

(a) The facts bring the case within the jurisdiction of the court.

(b) Referral of the case is in the best interest of the public and the minor.

(c) The minor and parent, guardian, or other custodian consent with the knowledge that consent is not obligatory.

III. Referral after filing shall stay the proceedings for a period not to exceed 3 months from the date of referral, unless extended by the court for an additional period not to exceed 3 months and does not authorize the detention of the child and the court may, on its own motion or that of any party, designate or utilize a multi-disciplinary team to consider the facts and circumstances of the case, the needs of the child and family and available services and resources.

IV. During the period of referral, the court may require further conditions of conduct on the part of the child and the child's parents.

10 Initial Appearance. RSA 169-D:11 is repealed and reenacted to read as follows:

169-D:11 Initial Appearance.

I. Unless the matter is referred to diversion pursuant to RSA 169-D:9 or continued for good cause, an initial appearance shall be held within 30 calendar days of the filing of a legally sufficient petition.

II.(a) At the initial appearance, the court shall:

- (1) Advise the child in writing and orally of any formal charges.
- (2) Appoint counsel pursuant to RSA 169-D:12.
- (3) Establish any conditions for release.
- (4) Set a hearing date.

(b) However, no plea shall be taken until the child has had the opportunity to consult with counsel or until a waiver is filed pursuant to RSA 169-D:12.

III. After hearing, the court may, with the consent of the child, dispose of the petition by ordering the child to participate in an approved court diversion program.

11 Release Pending Adjudicatory Hearing. RSA 169-D:13 is repealed and reenacted to read as follows:

169-D:13 Release Pending Adjudicatory Hearing.

I. Following the initial appearance, a child alleged to be in need of services may be ordered by the court subject to such conditions as the court may order, to be:

- (a) Retained in the custody of a parent, guardian, or custodian.
- (b) Released in the supervision and care of a relative.
- (c) Placed in a foster home, as defined in RSA 169-C:3, XIII, which is specifically licensed to accept children in need of services with expenses chargeable as provided in RSA 169-D:29.
- (d) Placed with a friend.
- (e) Placed in a group home, crisis home or shelter care facility licensed pursuant to RSA 170-E with expenses charged according to RSA 169-D:29.

II. The adjudicatory hearing shall be held within 30 calendar days of the initial appearance unless continued for good cause. No adjudicatory hearing for a child placed outside the child's home may be continued more than once for good cause or for a period longer than 14 days, except by agreement of all the parties.

III. All orders issued pursuant to this section shall set forth the findings, as to the form of release or any conditions, in writing and shall state any custody provisions under paragraph I.

12 Adjudicatory Hearing. Amend RSA 169-D:14, III to read as follows:

III. If the court finds the child is in need of services, it shall, unless a report done on the same child less than 3 months previously is on file, order the department of health and human services or other appropriate agency to make an investigation and written report consisting of, but not limited to, the home conditions, school record and the mental, physical and social history of the child. Evaluations performed at the Philbrook center may occur only upon receiving prior approval for such evaluation from the commissioner of the department of health and human services or designee. When ordered by the court, such investigation shall include a physical ~~[and]~~ **examination**, mental ~~[examination]~~ **health evaluation, or substance abuse evaluation** of the child, parents, guardian, or person having custody. The court shall inform the parents, guardian or person having custody and child of their right to object to the physical examination ~~[or]~~, mental health evaluation, **or substance abuse evaluation**. Objections shall be submitted in writing to the court having jurisdiction within 5 days after notification of the time and place of the examination or evaluation. The court may excuse the child, parents, guardian, or person having custody upon good cause shown. No disposition order shall be made by the court without first reviewing the investigation report, if ordered.

13 Dispositional Hearing. Amend RSA 169-D:14, V to read as follows:

V. The court shall hold a final dispositional hearing within 30 days of the adjudicatory hearing ***unless continued for good cause. No dispositional hearing for a child placed outside the child's home may be continued more than once for good cause or for a period longer than 21 days, except by agreement of all the parties.***

14 New Subparagraph; Dispositional Hearing May Include Certain After-School or Evening Programs. Amend RSA 169-D:17, I by inserting after subparagraph (d) the following new subparagraph:

(e) Requiring any child to attend structured after-school or evening programs which address some of their compliance issues, as well as supervise the child during the time of the day in which they most value their freedom and the time which is most often used to perform unruly acts.

15 Application for Review. RSA 169-G:2, I is repealed and reenacted to read as follows:

I. The department of health and human services or department of youth development services may file with the clerk of the district court, where the dispositional order was issued, an application for review of the order by the review panel. The application shall be filed within 7 days after the date of the dispositional order, but not after such date, except for good cause shown. The filing of an application for review shall stay the implementation of the dispositional order.

16 Repeal. The following are repealed:

I. RSA 169-D:5, relative to the filing of petitions for children in need of services.

II. RSA 169-D:6, relative to the issuance of summons and notice in cases involving children in need of services.

17 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and referred to Finance.

**HB 609-FN-L**, enacting the Uniform Interstate Family Support Act (UIFSA), and relative to child support. MAJORITY: RE-REFER TO COMMITTEE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Sandra B. Keans for the Majority of Judiciary and Family Law: The committee understands the importance of getting this legislation on the books in order to be in compliance with the new Uniform Interstate Family Support Act which deals with the establishment of paternity and the establishment and enforcement of child support obligations. If New Hampshire does not comply many millions of dollars can potentially be lost. However, the original 34-page bill was heard Thursday, Feb. 27, 1997. Since then the committee has been presented with three re-writes. The last arrived Thursday, March 6, 1997 at the executive session. The majority believes we must study this further to make sure that all confidential information handled by the department will remain secure. Further, some committee members believe that the federal deadline for New Hampshire to pass this legislation (the first day of the next quarter after the end of the legislative session) is at least not until January 1998 - maybe January 1999 - because New Hampshire is on a two-year budget. The committee believes this bill deserves fair, thorough consideration and is fully committed to do just that. Vote 11-3.

Rep. Carol H. Holden for the Minority of Judiciary and Family Law: The purpose of this bill is to enact the Uniform Interstate Family Support Act (UIFSA ) and to improve procedures and processes related to the establishment of paternity and the establishment and enforcement of child support obligations. It will increase the income available to households with children and enable families to become self-sufficient and leave public assistance. The amendment addresses all of the concerns raised at the public hearing by the public and by committee members. While we did not have a great deal of time, there was sufficient time to make sure this was a good bill.

Rep. John McCarthy moved Recommit to Committee and spoke in favor.

Majority report adopted.

**HB 521-L**, relative to the definition of terms and conditions of employment and to the subjects of bargaining in the public employee labor relations law. RE-REFER TO COMMITTEE

Rep. Richard E. Dolan for Labor, Industrial and Rehabilitative Services: During deliberation we found numerous concerns about the process used in collective bargaining between public employees and government entities. Since RSA 273 is the controlling statute, we feel this is an excellent vehicle to study the aforementioned concerns. Vote 15-0.

Adopted.

**HB 579-FN-L**, providing that a person who, having obtained a restraining order against an abuser and having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation. RE-REFER TO COMMITTEE

Rep. Joseph D. Kenney for Labor, Industrial and Rehabilitative Services: This bill provided that a person who, having obtained a restraining order against an abuser and having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse shall not be denied unemployment. Because of the social impact of this bill and the responsibility of who will administer it, the committee felt the need to do comprehensive research and work with state departments to develop logical policy. Vote 15-0.  
Adopted.

**HB 440-FN**, changing the legislative mileage formula. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Donnalee Lozeau for Legislative Administration: In 1991, the IRS advised the State that legislative mileage reimbursement payments must be reported as income. Its conclusion was based in part on the rate paid for this reimbursement. This bill would provide each member of the legislature with the option of receiving reimbursement at the federally approved rate. In creating this option, the committee hopes that members may again have the opportunity to have their mileage treated as reimbursement. The amendment clarifies that this option will take effect beginning with those members of the general court elected in the 1998 state general election. Vote 11-0.

#### Amendment (0461h)

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 3 and 4, respectively:

2 Application. The provisions of section 1 of this act relative to the travel allowance for members of the general court shall apply beginning with the members of the general court elected in the 1998 state general election.

#### AMENDED ANALYSIS

This bill changes the mileage formula used to reimburse general court members beginning with the 1998 general election by allowing each member to choose to be paid either for each day of attendance or for actual mileage at the rate used by the Internal Revenue Service.

Adopted.

Report adopted and referred to Finance.

**HJR 6**, requiring the joint legislative historical committee to acquire and cause to be displayed a portrait of suffragist Marilla Marks Ricker **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert R. Cushing for the Majority Legislative Administration: This resolution requires a portrait of Marilla Marks Ricker be displayed in the State House. Marilla Ricker was the first woman to attempt to vote in the United States, the first woman admitted to the New Hampshire bar, and the first woman to run for governor of New Hampshire. A lifelong Republican, she attempted to vote each year for thirty years, only to be denied the right to vote on account of her sex. With vision and the courage to persevere in the face of enormous odds, unjust law, and unpopular opinion, she lived a life that changed the course of history in New Hampshire for all people. Everyone who testified on HJR6 supported the resolution. A petition in support from Exeter students pointed out that at present over 200 portraits of men hang in the State House, but there are only four portraits of women. The majority believes that with the passage of this measure, at long last, Marilla Marks Ricker would enter the State House to be honored as a pioneer of justice. Vote 7-6.

Reps. Warren C. Henderson, Gregory G. Carson, Loren Jean and Ronald Nowe for the Minority of Legislative Administration: The minority of the committee believes that this well-intended resolution would set several bad precedents. For decades, the Joint Legislative Historical committee has worked directly with groups interested in honoring historical figures with portraits hung in the State House. The subjects of these portraits were chosen by their admirers, funds were privately raised and the portraits were ceremoniously hung in conjunction with the Historical Committee. This bill would replace that traditional process with a single subject selection by legislative mandate at taxpayer expense without established criteria for selection. Converting the creation of historical portraits into another government function ill-serves our heritage. The legislature may properly recognize the great courage and commitment of citizens such as Marilla Ricker, but it should not preempt the proper roles of the Historical Committee and the general public.

On a division vote, 181 members having voted in the affirmative and 163 in the negative, the majority report was adopted.

Referred to Finance.

**HB 566-FN-A-L**, preserving a municipality's authority to tax an electric generation plant as real estate when the plant is unregulated and increasing the franchise tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephanie Eaton for Local and Regulated Revenues: A strong majority of the committee supported the creation of a level playing field among competing electric generating plants in the current environment of utility deregulation. This bill will allow municipalities to tax electrical generating plants whether or not they're owned by regulated utilities, and closes a loophole in the current law. This bill is the result of an effort to compromise the interest of three competing groups, i.e., New Hampshire municipalities, PSNH and the independent power producers. Vote 13-2.

#### **Amendment (0422h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the applicability of the property tax to electric plants and pipelines.

Amend the bill by replacing all after the enacting clause with the following:

1 Property Taxation of Electric Generation Plant. Amend RSA 72:8 to read as follows:

72:8 Electric Plants and Pipe Lines. *All* Structures, machinery, dynamos, apparatus, poles, wires, fixtures of all kinds and descriptions, and pipe lines [owned by a person or corporation operating as a public utility as defined in RSA 362:2 generating, producing, supplying and distributing electric power or light, or in transporting] *employed in the generation, production, supply, distribution, transmission, or transportation of electric power or* natural gas, crude petroleum and refined petroleum products or combinations thereof, shall be taxed as real estate in the town in which said property or any part of it is situated.

2 Applicability. Nothing in this act shall affect any agreement entered into under RSA 362-A:6 between a qualifying facility and a city, town, or village district for payment in lieu of taxes which is in existence on April 1, 1997.

3 Repeal. RSA 362-A:6, relative to tax exemption for qualifying small power production facilities and qualifying cogeneration facilities, is repealed.

4 Effective Date. This act shall take effect April 1, 1997, and shall apply to all taxes assessed on and after April 1, 1997.

#### **AMENDED ANALYSIS**

This bill repeals the tax exemption for qualifying small power production facilities and qualifying cogeneration facilities for taxes otherwise applicable to public utilities.

The bill also subjects real property and fixtures, used in the generation, production, supply, distribution, transmission, or transportation of electric power, to the property tax whether or not such real property or fixtures is owned by a public utility.

Adopted.

Report adopted and ordered to third reading.

**HB 668-FN-L**, licensing, regulating, and taxing video gambling machine use. **INEXPEDIENT TO LEGISLATE**

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill addresses an important issue in New Hampshire, the licensing, regulating and taxing of video gambling machines. However, both the sponsor and a majority of the committee feel this bill is badly drawn and will not accomplish the purpose for which it is intended. It is internally contradictory and not enough time is available to correct the flaws in the bill. There will be other bills on video gambling next session, if not next year. Vote 8-4.

Adopted.

**HB 781-FN**, relative to lucky 7 tickets and bingo games and requiring manufacturers and distributors of bingo supplies to be licensed. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsy McKinney for Local and Regulated Revenues: This bill as amended was a request of the Sweepstakes Commission to address concerns of a recent audit. The bill does the following: (1) Redefines "charitable organization" to comply with the definition of exempt organizations under

IRS Code Sec. 501.C., (2) Requires that the charitable purpose be carried out at the same location as the charity, but allows bingo games and the sale of Lucky 7's to take place in another location; (3) Expands licensing of bingo suppliers and manufacturers the same way Lucky 7 distributors are currently licensed, and requires licensing for any out-of-state suppliers, distributors and manufacturers. Vote 13-2.

#### **Amendment (0453h)**

Amend the bill by replacing section 4 with the following:

4 New Section; Distributors and Manufacturers of Bingo Supplies and Equipment. Amend RSA 287-E by inserting after section 8 the following new section:

287-E:8-a Distributors and Manufacturers of Bingo Supplies and Equipment. The commission shall license distributors and manufacturers of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines sold, leased, or rented in this state. A distributor with a current New Hampshire license for distribution of lucky 7 tickets shall be authorized to distribute bingo paper supplies and electronic bingo player systems and lucky 7 vending machines, and shall not be required to file for licensing under this section. All bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines shall be purchased, leased, or rented from a licensed distributor and manufactured by a licensed manufacturer. A license shall be issued to a distributor or manufacturer under the following conditions, provided that the commission may, by rule, establish additional qualifications for licenses:

I. The applicant for a distributor's license shall pay to the commission an annual license or license renewal fee of \$10,000. Such fee shall authorize the distribution of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines within the state of New Hampshire and the warehousing of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines for subsequent sale out of state. A distributor with a current New Hampshire license for distribution of lucky 7 tickets shall not be required to pay the additional licensing fee under this section.

II. The applicant shall certify that neither the applicant nor any partner, officer, or director has been convicted of a felony, which has not been annulled by any court, within 10 years from the date of application.

III. Each licensee shall post a bond in the amount of \$50,000, conditioned upon the licensee's compliance with the rules of the commission. A distributor with a current New Hampshire license for distribution of lucky 7 tickets shall not be required to post the additional bond under this section.

IV. An applicant for a license as a distributor shall be a resident of this state whose principal place of business is within this state, and shall have been a resident of this state for at least 2 years immediately prior to the date of application.

V.(a) The commission shall issue a special license to manufacturers of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines leased, rented, or sold in the state.

(b) the fee for such special license shall be \$5,000 per year or for any part of a year.

Adopted.

Report adopted and referred to Finance.

**HB 536**, requiring certain dam owners to develop emergency action plans, prohibiting the construction of any dam without a permit and clarifying the process for issuing orders for dam repair. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Lawton for Resources, Recreation and Development: The majority of the committee strongly supports This bill which addresses problems highlighted by the recent dam breach in Alton and seeks to improve the overall safety of the dams in our state by requiring emergency action plans for dams found to be a menace to public safety. The amendment resolves the conflict with Part 2, Article 28a of the NH Constitution by requiring the local legislative body to vote to approve funding to develop an emergency action plan for those municipally-owned dams. Vote 13-4.

#### **Amendment (0516h)**

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Unfunded Mandate Compliance.

I. On or before July 1, 1998, the department of environmental services shall determine which political subdivisions own dams; the department shall notify by certified mail the governing body of each such political subdivision that the emergency action plan constitutes a mandated program and the approximate costs thereof.

II. In political subdivisions where the legislative body is the town meeting, the selectmen shall place a warrant article on the ballot at the next regular town meeting to determine if the voters will approve the emergency action plan for funding. The town clerk shall certify to the department the results of said vote.

III. In political subdivisions where the legislative body is a town or city council, board of aldermen or county delegation, that body shall within 60 days of receipt of the certified mail from the department vote to approve or disapprove the emergency action plan for funding and certify to the department of environmental services the results of said vote.

IV. The question before the legislative body shall be stated as, "Shall the town/city of \_\_\_\_\_ approve for funding those provisions of RSA 482:11-a which constitute a new state mandate requiring the development of an emergency action plan for any dam, the failure of which may threaten life or property?"

V. The department shall not implement these new provisions in any political subdivision which fails to pass the resolution. The department may request any political subdivision that has not accepted these provisions to reconsider the question no more frequently than at 5-year intervals. Adopted.

Report adopted and ordered to third reading.

**HB 459-FN**, establishing a graduated driver's license and related penalties for persons under 18 years of age. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: This bill was the result of many hours of work from both the public sector and the legislative process. It is also the fruit of the combination of many bills presented to the committee during this session. This committee feels that this bill is a step in the right direction to create a safer driving environment for all of our citizens, and an effort to curb the rise in teenage driving fatalities in New Hampshire. Vote 13-1.

#### Amendment (0646h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a youth operator's license for persons under 18 years of age.

Amend the bill by replacing all after the enacting clause with the following:

1 Original and Youth Operator's Licenses. Amend RSA 263:14 to read as follows:  
263:14 Original *and Youth Operators* Licenses.

I. The director, upon receiving proper application for an original driver's license, may in [his] *the director's* discretion issue a license designated as an original, with such designation to be effective until the fourth anniversary of the license holder's date of birth following the date of issuance to allow such applicant to gain proper driving habits, attitudes and experience.

II.(a) *The director shall issue a youth operator's license to applicants who are 16 years of age or older and under 18 years of age. In addition to any other requirements established by law, no such license shall be issued unless the applicant furnishes written consent from the applicant's parent or legal guardian and a certificate of successful completion of a driver education course as provided in RSA 263:19. The fee for the youth operator's license shall be \$32. The term of the license shall be 2 years.*

(b) *The holder of a youth operator's license shall not operate a motor vehicle between the hours of 1:00 a.m. and 5:00 a.m., nor shall such holder operate a motor vehicle when the number of occupants exceeds the number of safety restraints in the vehicle.*

(c) *During the first 90 days after issuance of the license, the holder of a youth operator's license shall not operate a motor vehicle unless accompanied by a licensed responsible adult who is at least 25 years of age.*

(d) *Violation of RSA 263:14, II.(b) or (c) shall subject the violator to a fine not to exceed \$100 and a license suspension not to exceed 30 days. Subsequent violations shall subject the violator to a fine of not more than \$200 and a license suspension of up to 90 days.*

(e) *This paragraph shall not apply to drivers licensed under RSA 263:21.*

(f) *The restrictions set forth in RSA 263:14, II.(b), (c), and (d) shall not apply to drivers who are over 18 years of age.*

**III.** The director, after hearing, may suspend or revoke ~~[any such]~~ *an* original license *or any license held by a person under 20 years of age* for good cause upon receipt of proper evidence or information of misconduct, misuse or abuse of such driving privileges.

2 Effective Date. This act shall take effect January 1, 1998.

#### AMENDED ANALYSIS

This bill establishes a youth operator's license for persons under 18 years of age.  
Adopted.

Report adopted and referred to Finance.

**HB 671-A**, establishing a committee to study the organization, structure, and administration of the department of fish and game, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: This bill establishes a committee consisting of 5 senators appointed by president of the senate, 5 house members appointed by the speaker (one of whom shall be from house finance and two of whom shall be from the wildlife committee) to study the organizational structure of the fish and game department including its costs of operation as well as commission membership and appointment procedures. All aspects of the department operations will be addressed. The appropriation is intended to be used to hire expert consultants in the field of fish and game administration, if necessary. The committee felt the input of such experts would lend credence to their recommendations and legislative proposals. Suggested legislative initiatives are to be submitted by November 1, 1997. The amendments increased the wildlife committee membership from one to two members, reduced the appropriation from \$25,000 to \$10,000, and changes the effective date to "upon passage". Vote 12-1.

#### Amendment (0579h)

Amend paragraph I(b) of section 2 of the bill by replacing it with the following:

(b) Five members of the house of representatives, appointed by the speaker of the house, one of whom shall be from the house finance committee and 2 of whom shall be from the wildlife and marine resources committee.

Amend the bill by replacing all after section 5 with the following:

6 Appropriation. The sum of \$10,000 is hereby appropriated to the committee established under section 1 of this act for the fiscal year ending June 30, 1998, for the purposes of the committee. This appropriation shall be a charge on the fish and game fund.

7 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

**HB 619-FN-A**, establishing a sunset review process for state agencies and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: The "sunset" process was used for several sessions during the 1980's with little effect and at great expense in both time and money. Furthermore, any member or committee can write "sunset" legislation for a specific state agency today without involving the whole of state government. Vote 16-0.  
Rep. Dickinson yielded to questions.

Adopted.

**HB 734-FN**, requiring district courts to hold evening sessions. **OUGHT TO PASS**

Rep. Janet G. Wall for Judiciary and Family Law: This bill requires district courts to hold 2 evening sessions a month which may be in lieu of comparable daytime hours. With changes that have occurred in our economy, seeing many individuals being paid with hourly wages; and since many citizens along New Hampshire's borders work out of state, this bill will allow those workers to fulfill their obligations to the court without losing wages. Furthermore, police officers, who generally prosecute these cases, will be able to fulfill their professional duties, without interruption, which will benefit the areas they serve. In small towns this will also benefit many part-time police officers who, in order to appear in court, must take time off from their full-time day jobs. Vote 12-0.

Rep. John McCarthy spoke against.

On a division vote, 128 members having voted in the affirmative and 216 in the negative, the report failed.  
Rep. John McCarthy moved Ought to Pass with Amendment and offered a floor amendment.

**Floor Amendment (0678h)**

Amend RSA 502-A:1-b as inserted by section 1 of the bill by replacing it with the following:

502-A:1-b Evening Sessions Required. Each district court shall hold at least 2 regular evening sessions per month. Such evening sessions may be in lieu of 2 one-half day sessions per month. The sessions shall commence no earlier than 5:00 p.m. and shall be scheduled by the clerk of court for such length of time as justice may require.

Rep. John McCarthy spoke in favor.

Adopted.

Report adopted and referred to Finance.

**HB 758-FN**, raising the speed limit on all New Hampshire interstate highways from 65 to 75 miles per hour and from 55 to 65 in other locations. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: After receiving overwhelming testimony from both the private sector and various state agencies it was very obvious to this committee that this was a very serious safety concern for the motoring public in our state. The major issue facing our committee this year is the rise in teenage driving fatalities, and how to cope with it within the legislative process. We felt strongly that if this bill were to pass it would send the wrong message to our young drivers while putting our older citizens at risk. The committee vote of Inexpedient to Legislate, will send the correct message. Vote 16-0.

Rep. Vaillancourt spoke against.

Rep. Letourneau spoke in favor and yielded to questions.

Adopted.

Rep. Lozeau declared a conflict of interest and did not participate.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Vaillancourt requested that his protest be entered on the Journal.

Madam Speaker, what can I say? You speed; I speed; we all speed, or at least according to surveys, some 80 to 90 percent of us willfully break the 65-mile-an-hour speed limit every time we get behind the wheel of our cars. Now, I could stand up here for a half hour and cite statistics, but would it matter? I suspect not.

This bill reflects an attempt not to allow people to go faster, but to make our laws reflect those four sacred words I uttered from this podium back in January "consent of the governed." Clearly, there is no consent for a 65-mile-an-hour speed limit, or else 90 percent of us would not break the law every day.

Laws must reflect consent of the governed or they lead to unequal enforcement and a lack of respect for other laws, good laws, necessary laws. Albert Einstein, a man known more for his expertise in science than in political science, offered the astute observation, "Nothing is more destructive of respect for the government and the law of the land than passing laws which cannot be enforced." This is such a law.

It's time to make laws we can all respect. Instead of breaking the law, we as legislators should be making a law that reflects consent of the governed. Thank you.

**COMMITTEE REPORTS****CONSENT CALENDAR - PART II**

Rep. Wheeler moved that the Consent Calendar - Part II with the relevant amendments as printed in the day's House Record be adopted.

**HB 151**, establishing comprehensive medical, physical and psychological standards for law enforcement officers, removed by Rep. Hansen.

**HB 569**, creating a New Hampshire securities transfer excise tax and a continually appropriated fund, removed by Rep. Hemon.

Consent Calendar adopted.

**HB 301**, relative to real estate broker's and agent's representation of buyers. **INEXPEDIENT TO LEGISLATE**

Rep. Martha Fuller Clark for Commerce: SB 611, Chapter 196 became effective in August 1996. It was the first revision to the Real Estate Practice Act in 25 years. It defines the relationship

between real estate agents and the client. SB 611 gives consumers a choice in structuring their real estate agreements and should be allowed to work without change at this time. Additionally, administrative rules is developing rules on implementing Chapter 196 which should take care of the concerns raised in this bill. Vote 14-0.

**HB 435-FN-L**, relative to liens placed on property by towns and cities for money spent on assisted persons. **INEXPEDIENT TO LEGISLATE**

Rep. William Tsiros for Commerce: Existing laws are adequate and provide the power to towns to place liens. Any change on priority of liens will upset the mortgage industry. Also, it will make it more attractive to ask for local welfare, rather than go for a second mortgage. Vote 14-0.

**HB 526**, clarifying that no other business entity may assume a name which is the same as or deceptively similar to the registered name of a New Hampshire real estate trust. **INEXPEDIENT TO LEGISLATE**

Rep. Dennis P. Vachon for Commerce: This bill would require the registration of all trade names used by real estate trusts. New Hampshire law disfavors real estate trusts, as evidenced by recent law changes requiring title to real estate owned by such trusts to be held in the name of a person or entity as trustee of the trust. The committee found no large scale problem justifying a further change in the law. Real estate trusts are free under current law to register their trade name if concerned that others will use it. Vote 15-0.

**HB 541**, relative to long term care insurance **RE-REFER TO COMMITTEE**

Rep. George Hurt for Commerce: Long term care insurance is a unique form of insurance coverage and not everyone is able to afford this type of insurance protection. Testimony indicated that long term care was not available until age 40, where most premiums were affordable. However, further evidence was given to support the majority of purchases is usually between ages 60-70, but with substantial premium increase, more restrictive coverages and fewer options. Due to the vicissitudes and the complexity of this type of insurance coverage, the committee felt this legislation deserved to be studied in depth. Vote 14-0.

**HB 136**, establishing a committee to study the authority, functions, duties and responsibilities of the fire standards and training commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill amends RSA 21-P:12-a which establishes the Division of Fire Standards and Training, the duties of the director of the fire academy and defines the role of the Fire Standards and Training Commission. During 1996, the curriculum for the fire academy was presented to the firefighting community and a controversy between the career firefighters and volunteer firefighters called attention to the need for a system of hearings to allow volunteers to become informed and to have input into matters of concern to them. All parties, the Department of Safety, the Fire Standards and Training Commission, the career and volunteer firefighters have agreed to a rewriting of the statutes to guarantee an open process for establishing curriculum and training guidelines for certification of New Hampshire firefighters. The original bill called for a study committee. On March 4, 1997, a second public hearing on the amendment was held and attended by representatives from the commission, Department of Safety and firefighting community. All parties agreed to this amendment. Vote 18-0.

#### **Amendment (0465h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the division of fire standards and training and the fire standards and training commission.

Amend the bill by replacing all after the enacting clause with the following:

1 Division of Fire Standards and Training. Amend RSA 21-P:12-a to read as follows:

21-P:12-a Division of Fire Standards and Training; Disposition of Funds.

**I.** There is established within the department a division of fire standards and training under the supervision of an unclassified director of fire standards and training who shall administer and supervise a fire service training and research program throughout the state. [~~This division shall establish training standards and offer instruction in methods of determining and dealing with the causes of fire and the prevention of fire, techniques in firefighting and rescue, research in techniques in firefighting and fire protection, and the administration and management of fire departments.~~] The director of

fire standards and training shall be nominated by the commissioner of safety, after consultation with the fire standards and training commission, for appointment by the governor, with consent of the council, and shall serve a term of 4 years until a successor is appointed. The commission shall take a recorded vote regarding its concurrence or non-concurrence in the commissioner's nomination decision. If the commission votes not to concur in the decision, it shall submit a letter to the commissioner so stating, and the commissioner shall in turn submit that letter to the governor and council. The director of fire standards and training shall be academically and technically qualified to hold the position, and shall receive the salary specified in RSA 94:1-a.

**II. The director shall:**

(a) *Be responsible for the operations of the fire academy including, establishing training programs and offering instruction in methods of determining and dealing with the causes of fire and the prevention of fire, techniques in firefighting and rescue, research and techniques in firefighting and fire protection, and the administration and management of fire departments.*

(b) *Establish fees to be collected for tuition and services. Such fees shall be subject to the approval of the commissioner of the department of safety.*

(c) *Establish, maintain, approve, and certify programs, courses, institutions, and facilities for study for all fire service personnel and recruits according to accepted curricula.*

(d) *Provide all fire service personnel with professional instruction and training.*

(e) *Develop and promote new methods and practices of firefighting, rescue operations, fire prevention, and fire administration.*

(f) *Disseminate information relative to fire and rescues, techniques of firefighting and rescuing, fire prevention, fire administration, and other related subjects to all interested agencies and individuals throughout the state.*

(g) *Be authorized to employ part-time instructors or assistants and compensate them for organizing, developing, and conducting approved fire training and rescue courses or other work as directed at an hourly rate established by the commission and for mileage and expenses incurred in performing their official duties.*

(h) *With the approval of the commissioner, accept in the name of the state any and all donations, fees for tuition, rents, services and any and all moneys and grants from any governmental unit, public agency, institution, person, firm, or corporation and receive, utilize, expend, and dispose of such funds subject to budgetary provisions, consistent with the rules of the department of safety and the purposes or conditions of the donations or grant.*

**III. The receipt of a donation or grant under subparagraph II(h) shall be noted in the biennial report of the department of safety, which will also identify the nature of the donation or grant and the conditions of the donation or grant, if any. Any moneys received by the division pursuant to subparagraph II(h) shall be deposited in the state treasury to the account of the department of safety and shall not lapse. In addition, the division may receive, hold, and use gifts, bequests, and devises either outright or in trust for purposes consistent with this chapter.**

2 Fire Standards and Training Commission. Amend RSA 21-P:25, I to read as follows:

I. The New Hampshire fire standards and training commission is hereby established and directed to [administer and supervise a fire service training and research program throughout the state. ~~The program shall offer instruction in~~] *establish minimum educational and training standards for employment as a full-time firefighter, establish minimum selection standards for full-time fire service personnel, establish and publish educational and training standards for fire service personnel, and certify fire service personnel as meeting the educational and training standard. This commission shall also act in an advisory capacity to the director of the division of fire standards and training with reference to the instruction methods of determining and dealing with the causes of fire, the prevention of fire, techniques of firefighting and rescue, research techniques in firefighting and fire protection, and the administration and management of fire departments. [The program shall be open to, but not limited to, all fire personnel within the state.] The commission shall meet at least 4 times annually.*

3 Definition; Director. Amend RSA 21-P:25, II(b) to read as follows:

(b) *"Director" means the director of the division of fire standards and training.*

(c) *"Fire service personnel" means firefighters, fire officers, rescue personnel connected with fire departments, fire prevention officers, inspectors, investigators, fire instructors, public education specialists, fire alarm personnel, or any other personnel who are members of fire departments or fire-related state agencies, whether full or part-time.*

4 Rulemaking. Amend the introductory paragraph of RSA 21-P:27, I to read as follows:

I. The commission *and the commissioner of safety*, shall adopt rules, pursuant to RSA 541-A, relative to:

5 Reference Change. Amend RSA 21-P:27, I(a) to read as follows:

(a) The conduct of [its] *the meetings of the commission*.

6 Rulemaking Authority. Amend RSA 21-P:27, I(d)-(e) to read as follows:

(d) Procedures for the conduct of investigations [~~authorized under this subdivision~~] *regarding the certification of firefighters*.

(e) Matters necessary for the proper administration of [~~this subdivision~~] *the commission*, including the issuance of certificates evidencing the satisfaction of educational and training requirements.

7 Powers and Duties. RSA 21-P:28, I is repealed and reenacted to read as follows:

I. The commission, within budgetary limitations, shall:

(a) Certify fire service personnel as meeting minimum educational and training standards.

(b) Act upon request as the advisory committee to the state board of education concerning any fire educational programs.

(c) Require submission of reports and information from fire departments within the state that may be pertinent to the functioning of the commission.

(d) In coordination with the division of fire standards and training, make such investigations as may be necessary to determine whether governmental units are complying with the provisions of this subdivision.

8 New Paragraph; Certification, Education, and Training. Amend RSA 21-P:29 by inserting after paragraph II the following new paragraph:

III. Prior to any final vote regarding minimum standards, selection procedures, or certification, the commission shall:

(a) Provide notice of the proposed action to members of the fire service.

(b) Allow a 60-day period for the receipt of written comments on the proposal.

(c) Hold public hearings, one in the daytime hours and another during the evening hours, in such a way as to maximize input from members of the fire service.

9 Reimbursement of Expenses. Amend RSA 21-P:30 to read as follows:

21-P:30 Reimbursement of Expenses. The [~~commission~~] *division, with the approval of the commissioner*, may reimburse fire departments or fire-related state agencies for expenses incurred in the training of their fire personnel in attendance at approved training programs to the extent it considers reasonable [~~given the amount of available funds~~] *provided there are funds available and allocated for that purpose*, and provided that any such department or agency adheres to the selection and training standards adopted by the commission.

10 Reference Changed. Amend RSA 100-A:3, III-c to read as follows:

III-c. Notwithstanding the provisions of RSA 100-A:1, VIII, any permanent fireman who has been a group II member and who has 10 years' fire service experience, or any person included in the definition of "fire service personnel" as defined in RSA 21-P:25, [~~H(b)~~] *II(c)* who has 10 years' fire service experience, who is or becomes the director of the division of fire safety, the administrator of the fire standards and training commission, any fire instructor, supervisor, instructor, or other technical specialist who has hazardous materials, firefighting, or rescue training functions and who has as a job requirement satisfied the fire standards and training commission's entrance and certification requirements for physical condition, education, and training shall be construed to be a permanent fireman for the purposes of membership in group II and shall remain in the system for the duration of [~~his~~] service in that capacity with the fire standards and training commission.

11 Repeal. The following are repealed:

I. RSA 21-P:27, I(f), relative to the establishment of fees and rulemaking authority of the fire standards and training commission.

II. RSA 21-P:28, II(d), relative to acceptance of donations, fees, rents, and other moneys by the fire standards and training commission.

III. RSA 21-P:31, relative to the expenditure of funds for fire standards and training purposes.

12 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill:

I. Establishes the duties of the director of the division of fire standards and training.

II. Imposes duties upon the fire standards and training commission.

III. Requires the fire standards and training commission to abide by certain procedural requirements prior to any final vote on minimum standards, selection procedures, or certification.

IV. Modifies the mechanism and circumstances by which fire departments and fire-related state agencies are reimbursed for expenses.

V. Repeals certain laws relative to fire standards and training.

**HB 209**, relative to information required when applying for a New Hampshire driver's license. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The bill, as introduced, required all new residents applying for a driver's license to reply to questions relative to an applicants possible criminal background in sex related crimes. The committee was concerned with the appearance of these questions on the driver's license application form and the fact that they maybe offensive to many people new to New Hampshire. The Department of Safety has agreed to supply posters of our sexual offender registration laws to the town and city clerks and the motor vehicle office in Concord and its substations. Vote 13-0.

**HB 271**, establishing a committee to examine the effectiveness and efficiency of the multiple DWI offender intervention detention center program. **RE-REFER TO COMMITTEE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This program was audited by the Legislative Budget Assistant and found to be over two million dollars in the red. We felt it would be better to re-refer this and study it ourselves along with at least one other bill that has similar content to decide whether we need to make a policy change or change the program funding or both. Vote 13-0.

**HB 367-FN-L**, requiring notification to parents when a minor violates the tobacco laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. L. Randy Lyman for Criminal Justice and Public Safety: The original bill required law enforcement officers to notify parents or guardians in writing when their child or children under 18 years of age violate RSA 78:12-c, V. The existing RSA 78:12-c makes it a violation for such minor children to possess and/or misrepresent their age to purchase or possess tobacco products. The amendment requires parents to be notified, but not in writing. Vote 13-0.

#### **Amendment (0428h)**

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Notification to Parent or Guardian. Amend RSA 78:12-c, V to read as follows:

V.(a) Any person under 18 years of age who violates this section shall be guilty of a violation and shall be punished by a fine not to exceed \$100 for each offense or shall be required to complete up to 20 hours of community service for each offense, or both. Where available, punishment may also include participation in an educational program.

(b) *The parent or guardian of any person under 18 years of age who violates this section shall be notified of such violation by the local law enforcement officer or agency.*

**HB 386**, removing personal liability of employees of licensing entities for failure to comply with state laws regarding licenses to carry pistols and revolvers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill removed a provision of law enacted just last year and which became effective on January 1, 1997. That provision made employees of licensing entities personally liable for the failure to comply with laws regarding the issuance of licenses to carry pistols and revolvers. The committee feels that we should allow this to work for awhile to see if it actually does need to be changed. -The committee amendment eliminated the original bill and defines what a "suitable" person should be. The applicant should be a person who is not prohibited by law from possession of a handgun. Currently in New Hampshire law, there is no requirement for a criminal record check before a concealed weapons permit is issued. The amendment makes that record check a requirement and the licensing authority, the chief of police in most towns, will now be enabled to define whether or not an applicant for a concealed weapon permit is a law-abiding citizen, and therefore, suitable for issuance of the license. A second public hearing on HB 386 was held on February 25, 1997, by the committee. All testimony was in favor of the amendment Vote 16-0.

**Amendment (0347h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definition of "suitable person" for purposes of licensing a suitable person to carry a loaded pistol or revolver.

Amend the bill by replacing section 1 with the following:

1 Definition of "Suitable Person;" License to Carry Pistol or Revolver. Amend RSA 159:6 to read as follows:

159:6 License to Carry. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. A *"suitable person to be licensed"* means a person who is not prohibited by law from owning or possessing pistols or revolvers. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for 4 years. When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be \$20, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

**AMENDED ANALYSIS**

This bill defines "a suitable person to be licensed" to carry a loaded pistol or revolver.

**HB 416**, relative to sentencing for juvenile delinquents. **OUGHT TO PASS WITH AMENDMENT** Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill authorizes the court to commit a delinquent minor to the custody of the department of youth development services for the remainder of minority. The bill also expands such commitment, without limiting it, to placement in a facility certified for the commitment of minors, administrative release to parole, or administrative release consistent with the cap on youth development center population. This bill also requires that the commissioner of the department of youth development services notify the court, within 5 business days, of any commitment and of any subsequent changes in placement made within 60 days of the original placement which will help provide positive information as to the immediate location of the youth. Vote 12-0.

**Amendment (0449h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Commitment of Minor to Custody of Department of Youth Development Services Allowed and Expanded. Amend RSA 169-B:19, I(j) to read as follows:

(j) Commit the minor to the *custody of the department of youth development [center] services* for the remainder of minority. *Commitment may include, but is not limited to, placement by the department of youth development services at a facility certified for the commitment of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant to RSA 621:19, or administrative release consistent with the cap on youth development center population under RSA 621:10, provided that the appropriate juvenile services officer is notified.*

2 Reference Removed. Amend RSA 169-B:19, VI to read as follows:

VI. ~~[Notwithstanding RSA 169-B:19, I(j), a]~~ A minor committed to the youth development center for the remainder of minority may be placed at any facility certified by the commissioner of the department of health and human services for the commitment of minors. The commissioner of the department of youth development services shall be responsible for notifying the court, *within 5 business days*, of any such placement and of any subsequent changes in placement *made within 60 days of the original placement*.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill authorizes the court to commit a delinquent minor to the custody of the department of youth development services for the remainder of minority. The bill also expands such commitment, without limiting it, to placement in a facility certified for the commitment of minors, administrative release to parole, or administrative release consistent with the cap on youth development center population.

This bill also requires that the commissioner of the department of youth development services to notify the court, within 5 business days, of any commitment and of any subsequent changes in placement made within 60 days of the original placement.

**HB 420**, relative to administrative review of suspended or revoked motor vehicle licenses. **REFER TO COMMITTEE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill attempts to amend the administrative license suspension (ALS) process by making 3 changes which were approved two years ago by this house. These three changes are designed to make the review hearing a more reasonable and responsive process. However, we felt we should re-refer this bill because a superior court recently ruled that the ALS hearing process is flawed. We believe this decision will be appealed to the supreme court and therefore we should wait for an answer before we further amend his statute. Vote 17-0.

**HB 462-FN**, relative to acknowledgment of DWI laws by persons under 21 years of age. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The committee amended the bill to inform all motor vehicle license applicants under 21 years of age of certain alcohol related laws and their penalties. We also added notification of illegal transportation and illegal possession laws. We also removed the signed acknowledgment portion of the bill as this is where the fiscal impact was. The Department of Safety said it could accomplish the notification within its budget. Vote 13-0.

### Amendment (0467h)

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring the department of safety to inform persons under 21 years of age of the DWI laws.

Amend the bill by replacing section 1 with the following

1 New Section; Informing License Applicants Under 21 Years of Age of the DWI laws. Amend RSA 263 by inserting after section 17 the following new section:

263:17-a Informing Persons Under 21 Years of Age of the DWI laws. Before issuing a driver's license or permit to any person under 21 years of age, the department shall inform the applicant of the following:

I. It is unlawful to drive with an alcohol concentration of 0.02 percent or greater.

II. The penalty for violations relating to paragraph I is an automatic 6-month license suspension for a first offense and a 2-year license suspension for a second offense; a minimum mandatory fine of \$350; and mandatory attendance and successful completion of the impaired driver intervention program prior to restoration of driving privileges.

III. A refusal to take, or a failure to complete, a preliminary breath test or, upon arrest, any physical or chemical test for the purpose of determining a level of alcohol in your system shall result in an automatic 6-month license suspension for a first refusal and a 2-year license suspension for a subsequent refusal.

IV. The fee for reissuance of a driver's license after suspension for any of the reasons stated above.

V. It is unlawful to transport any alcoholic beverage, except when accompanied by a parent, legal guardian or legal age spouse, or when such transportation is within the course of legal employment.

VI. It is unlawful to be in possession of any alcoholic beverage, except when such possession is within the course of legal employment.

VII. Any other information concerning driving responsibility that the director deems necessary.

### AMENDED ANALYSIS

This bill requires the department of safety to inform any person under 21 years of age of the state's DWI laws before issuing a driver's license.

**HB 514-FN**, relative to penalties for driving while intoxicated or under the influence of drugs for persons under 21 years of age. **INEXPEDIENT TO LEGISLATE**

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill has the effect of weakening the DWI laws for offenders under 21, the legal drinking age. At the discretion of the court, a judge could suspend a portion of the minimum mandatory fine if the blood alcohol count was more than 0.02, but less than 0.08. There was testimony on both sides of this issue but in the end, the committee recommended inexpedient to legislate as we felt we should not weaken any of the D.W.I. laws. Vote 13-0.

**HB 767-FN**, relative to violation of court orders regarding child custody. **RE-REFER TO COMMITTEE**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The testimony that the committee heard indicated that the intent of the bill was sound, but that it needed additional work to be satisfactory. Consequently, the committee voted unanimously to re-refer the bill. Vote 17-0.

**HB 703-FN-L**, relative to criminal history checks for school personnel. **INEXPEDIENT TO LEGISLATE**

Rep. Arthur Pelletier for Education: The sponsor recommended that the committee find the bill inexpedient as the subject matter was adequately addressed in HB 102. Vote 19-0.

**HB 808**, changing the optional term of the school district clerk, moderator and treasurer. **OUGHT TO PASS**

Rep. Richard L. Hill for Education: This bill allows all school districts to vote for either a one year, two year or a three year term for school district clerk, moderator and treasurer. This is a change from present RSA 671:6-a III from either one year term or a three year term. Vote 13-0.

**HB 372**, relative to age and domicile requirements for candidacy for public office. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph A. Foster for Election Law: This bill will assist certain cities and towns which have found it difficult to staff the polls on election day by permitting anyone 17 years of age or older who is otherwise qualified to work at the polls. Current law requires individuals to be at least 18 years old. This bill also repeals a law that relates to obsolete voting machines. Vote 14-0.

### Amendment (0413h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to age requirements for assistant election officials.

Amend the bill by deleting section 1 and renumbering the original sections 2-4 to read as 1-3, respectively.

### AMENDED ANALYSIS

I. Requires that assistant election officers be at least 17 years of age before initiating official duties.

II. Removes the law relative to listing of names of candidates on primary ballots.

**HB 430**, relative to registration of political committees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold, Jr. for Election Law: This bill requires political committees to have either a treasurer or agent who is a citizen of New Hampshire upon whom service may be made. It also eliminates certain laws related to advertising which are unenforceable due to recent supreme court decisions. It further modifies registration and reporting requirements for political committees. The committee determined that each of these changes is beneficial. Vote 17-0.

**Amendment (0500h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to registration of political committees and to political expenditures and contributions.

Amend the bill by replacing all after the enacting clause with the following:

1 Registration of Political Committees. Amend RSA 664:3, I-II to read as follows:

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. The committee shall register with the secretary of state ~~[before receiving any contribution]~~ **not later than 24 hours after receiving any contribution in excess of \$500 or before making any expenditure**~~[-and in no event shall any political committee register with the secretary of state later than the second Wednesday following any primary election] in excess of \$500.~~ The registration shall be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the general fund; provided, however, that the political committee of a candidate which registers under this section shall not be required to pay the \$50 fee. **Each political committee shall designate a treasurer or agent who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee.** The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures in support of or in opposition to any candidate including ~~[the full name of each candidate;]~~ a statement of the name, address, occupation, and principal place of business of its ~~[chairman]~~ **chairperson**, treasurer **or agent**, and other officers~~[-and a declaration signed by its chairman and treasurer that the political committee will not exceed the expenditure limitations allowed under RSA 664:5, V].~~

II. No member of a political committee **which is required to register under RSA 664:3, I**, except members of political committees of political parties, shall do any act directly or indirectly on behalf of the committee to promote the success or defeat of a political party, a measure or a candidate, ~~[until the statements required by paragraph I are filed. Only those political committees that have filed a declaration with respect to independent expenditures as provided in paragraph I may make such expenditures]~~ **unless the requirements of RSA 664:3, I are met.**

2 Prohibited Political Expenditures. Amend RSA 664:5, I-II to read as follows:

I. By a political committee, except the political committee of a political party, unless the political committee ~~[files with the secretary of state pursuant to]~~ **meets the requirements of RSA 664:3, I.**

II. By a political committee **which is organized** to support a candidate in any election, or to such candidate or ~~[his]~~ **the candidate's** fiscal agent unless the committee secures and files the written consent of the candidate or ~~[his]~~ **the candidate's** fiscal agent with the secretary of state in accordance with RSA 664:3, III.

3 Reporting by Political Committee. Amend RSA 664:6, IV-a to read as follows:

IV-a. Any political committee whose independent expenditures, **in aggregate**, exceed \$500 shall file an itemized statement with the secretary of state not later than 24 hours after such expenditures are made, and thereafter each time a further \$500 is expended. Such itemized statements shall cover the period during which independent expenditures totaling \$500 were made. **Each statement shall include a certification by the political committee that the independent expenditure meets the definition in RSA 664:2, XI.** Each statement shall contain the date of ~~[the]~~ **each** independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each expenditure was made; the amount of each expenditure; the purpose of each expenditure and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or to oppose more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement which reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

4 Committee Treasurer. Amend RSA 664:13 to read as follows:

664:13 Committee Treasurer. ~~[Each political committee shall have a treasurer, who shall be a citizen of this state, and shall receive and pay out all money handled by the committee.] If [there be] a political committee has no treasurer, or if [he] the treasurer fails to make a report, it shall be the duty of each member of said committee who received or pays out any money in behalf of said committee to make such a report or to cause the same to be made. No member of such committee shall make or permit any unlawful expenditure or act by said committee, in whole or in part, or consent thereto, or aid, abet or conspire to make or permit the same.~~

5 Repeal. The following are repealed:

I. RSA 664:5, IV, relative to purchase of advertising space promoting success or defeat of a candidate.

II. RSA 664:5, V, relative to limiting independent expenditures by political committees.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill:

I. Changes the deadline for political committees to register with the secretary of state.

II. Requires each political committee to designate a treasurer or agent.

III. Modifies other registration requirements for political committees and certain reporting requirements for such committees.

IV. Repeals certain laws relative to campaign advertising and to independent political committee expenditures.

**HB 441**, relative to the ballot law commission. INEXPEDIENT TO LEGISLATE

Rep. Susan W. Almy for Election Law: This bill has two parts, to set term limits for the Ballot Law Commission and to require Commission meetings to be held in person rather than by telecommunication. The first part was considered inadvisable and the second is an issue that should be considered by the Executive Departments and Administration Committee rather than Election Law. Vote 14-0.

**HB 443**, relative to push-polling. RE-REFER TO COMMITTEE

Rep. Joseph A. Foster for Election Law: The bill would place several restrictions on the practice of "push-polling." Though the committee agrees that the practice of push-polling raises serious concerns, it was unsure of the bill's constitutionality in light of the United States Supreme Court's decision in McIntyre v. Ohio Elections Commission. In addition, the term "push-polling" as defined in the bill may encompass legitimate practices traditionally used by campaigns. For this reason, the Committee recommends that the bill be re-referred so that it can be studied further with other bills previously re-referred to the Committee which raised similar constitutional questions. Vote 16-0.

**HB 481**, relative to financial reporting requirements for political candidates. OUGHT TO PASS WITH AMENDMENT

Rep. C. Donald Stritch for Election Law: The committee felt that this bill closed important loopholes in the election fund raising/expenditure process and also enhances public confidence in our reporting procedures. Vote 16-1.

### Amendment (0567h)

Amend RSA 664:7 as inserted by section 1 of the bill by replacing it with the following:

664:7 Reporting by Candidates. Each candidate at the primary or general election for governor, *executive* councilor, *senate president*, *speaker of the house*, state senator, representative to general court, or county officer, *who has received contributions exceeding \$500, or* who has expenditures exceeding \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, II, II-a, III, IV, and V, excepting, however, the *contributions to and* expenditures of political committees of the party to which the candidate belongs in elections other than primaries. *In addition, each candidate for executive councilor, state senator, representative to the general court, or county officer who is subject to this section shall file a duplicate statement with the city or town clerk in the city or town in which the candidate is domiciled.*

**HB 484**, relative to registration of certain voters who vote by absentee ballot. RE-REFER TO COMMITTEE

Rep. David R. Boutin for Election Law: The committee heard testimony supporting the intent of the bill. However, there are some outstanding issues that need further consideration so as not to minimize the intent of other state statutes regarding handicapped access to polling areas. The sponsor of the bill requested that the bill be re-referred, and the committee concurred unanimously. Vote 17-0.

**HB 596-FN**, repealing the law prohibiting the bribing or intimidating of voters. OUGHT TO PASS WITH AMENDMENT

Rep. Nick Hart for Election Law: This bill repeals some obsolete provisions and eliminates duplicate jurisdictions between the county attorneys and the Attorney General. Vote 13-0.

#### Amendment (0410h)

Amend the title of the bill by replacing it with the following:

AN ACT repealing certain laws relative to bribery or intimidation of voters.

Amend the bill by replacing all after the enacting clause with the following:

I Repeal. The following are repealed:

I. RSA 666:9, relative to examination on complaint of candidates accused of violating the law against bribery.

II. RSA 666:10, relative to procedure in the enforcement of election laws.

III. RSA 666:11, relative to the county attorney's duty to prosecute for bribery or intimidation of voters.

2 Effective Date. This act shall take effect January 1, 1998.

#### AMENDED ANALYSIS

This bill removes certain laws relative to bribery or intimidation of voters which are duplicate of laws relative to the powers of the attorney general and county attorneys.

**HB 634-L**, relative to removal from office of certain municipal officials by voters. INEXPEDIENT TO LEGISLATE

Rep. Jackie K. Weatherspoon for Election Law: The committee believes this bill is flawed in a number of areas. For example, the committee did not feel they could make judgments on a person's physical appearance as grounds for removal from office. The committee also believes there is legislation in place that could address removal from office. Therefore, the committee voted Inexpedient to Legislate. Vote 16-0.

**HB 659**, modifying restrictions on televised political advertising. RE-REFER TO COMMITTEE

Rep. Nick Hart for Election Law: The committee felt this bill was in a new area of campaigning. Exploring all aspects of this bill and its constitutionality will be possible in a study committee. Vote 15-1.

**HB 782**, exempting the lists of recipients of official absentee ballots from certain public inspection access requirements. INEXPEDIENT TO LEGISLATE

Rep. Raymond C. Buckley for Election Law: This bill does not solve the problem as intended by the sponsor. After weighing an individual's right to privacy in regards to absentee voting versus the public's right to know, the committee chose to continue the current practice of disclosing the list of absentee voters. Vote 18-0.

**HB 396-L**, prohibiting current use tax designation for property granted a change in zoning classification for 5 years after the reclassification. RE-REFER TO COMMITTEE

Rep. Richard T. Trelfa for Environment and Agriculture: The committee strongly recommends that because of the numerous issues that should be studied further concerning current use taxation, this bill should be re-referred, allowing time to adequately address these concerns. Vote 14-0.

**HB 803-FN-L**, relative to property valuation for purposes of payment of tax on a change of use under the current use laws. INEXPEDIENT TO LEGISLATE

Rep. William R. Phinney for Environment and Agriculture: HB 396 has been re-referred back to committee. The issues included in HB 803-FN-LOCAL will be considered in the study resulting from HB 396. Vote 18-0.

**CACR 14**, relating to pensions for the governor, commissioners of state departments, and judges. Providing that no governor, commissioner of a state department, or judge shall receive a pension from public funds. **INEXPEDIENT TO LEGISLATE**

Rep. Myron S. Steere, III for Executive Departments and Administration: The prime sponsor testified in opposition to this CACR. He said this was a sledge hammer approach and he will consider another approach in future legislation. There was some support for the CACR, but this will not answer their concerns. Vote 18-0.

**HB 447**, eliminating the grandfather clause for licensure of professional engineers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kipp A. Cooper for Executive Departments and Administration: It was the committee's belief that the elimination of the grandfather clause would exclude certain individuals with partial education and experience from sitting for the professional engineer's examination. The amendment keeps the grandfathering clause intact and adds the requirement that anyone applying for licensure under this section must also pass the professional engineer's examination. Vote 13-0.

#### **Amendment (0489h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Requirement to Pass Examination. Amend RSA 310-A:12, III-IV to read as follows:

III. Applicants with a minimum of 25 years of engineering experience of which at least 10 years shall have been in responsible charge of engineering work satisfactory to the board may apply for licensure under this section on the basis of education and experience, *provided that they have successfully passed the professional engineers examination required by RSA 310-A:17.*

IV. Whenever the evidence presented in an application under paragraph I, II, or III does not appear to the board conclusive and warranting the issuance of a license, the applicant *[may] shall* be required to pass an oral or written examination, or both, as the board may determine.

2 Effective Date. This act shall take effect January 1, 1998.

#### **AMENDED ANALYSIS**

This bill modifies the law which allows certain persons with engineering experience to apply for licensure on the basis of partial education and experience by adding the condition that such persons pass the professional engineers examination.

This bill also makes certain other applicants for licensure as professional engineers subject to mandatory passage of an examination.

**HB 500**, relative to membership on the retirement system board of trustees. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill as amended by the sponsor would have changed the method of selecting firefighter members for the Board of Trustees of the New Hampshire Retirement System by allowing the Professional Firefighters of New Hampshire and the New Hampshire Permanent Firemen's Association to submit a list of names to the governor of appointment. The committee heard from members of both organizations on this bill. Inasmuch as there is a great deal of dual membership in these organizations, the committee felt that this was a situation that they should resolve among themselves and the legislature should not be involved. Vote 14-0.

**HB 113-FN-A**, reducing the rate of the communications services tax. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: The committee was not provided evidence that the increase in economic growth in communication services would offset the loss of \$6.5 million of state revenues over the biennium. Vote 19-2.

**HB 516-FN**, increasing the fuel oil discharge cleanup fund fee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert G. Holbrook for Finance: This bill, as amended, increases the import fee to \$.005 per gallon of fuel oil to provide more adequate funds to pay incoming applications of fuel oil contamination as a backlog now exists. Also, it provides for transfer of \$1,000,000 from the Oil Pollution Control Fund to the Fuel Oil Disbursement Fund to provide funds to eliminate the backlog,

and 50% of fees collected shall be returned to the Oil Pollution Control Fund until the Oil Pollution Control Fund reaches \$2,000,000. Further, this amended bill provides that each facility making claim from the Fuel Oil Disbursement Fund shall pay the first \$500 as is similar to policies in all disbursement funds. Vote 19-0.

#### Amendment (0433h)

Amend the bill by replacing all after section 1 with the following:

2 Fund Transfer. Within 30 days after the effective date of this section, the department of environmental services shall transfer \$1,000,000 from the oil pollution control fund, as established by RSA 146-A:11-a, to the fuel oil discharge cleanup fund, as established by RSA 146-E:3, I. This shall be a one-time only transfer to the fuel oil discharge cleanup fund. Notwithstanding any provision of law to the contrary, 1/2 of the \$.005 per gallon collected for fuel oil storage facilities pursuant to RSA 146-E:3 after the effective date of this section shall be deposited in the oil pollution control fund until the \$1,000,000 has been returned in full.

3 Eligible Expenses; On-premise-use Facility Cleanup Liability. Amend RSA 146-E:6, I to read as follows:

I. The fund shall be available to owners of on-premise-use facilities, owners of land upon which on-premise-use facilities are located, and bulk storage facilities as defined in this chapter. The oil fund disbursement board may adopt rules for administering disbursements from the fund using the same rulemaking process and authorities established in RSA 146-D:5, I, including the development of additional eligibility criteria. Owners of bulk storage facilities shall be liable to the fund for initial cleanup costs in the manner described in RSA 146-D:6, II. *Owners of on-premise-use facilities shall be liable to the fund for the initial \$500 of cleanup costs at each facility owned, to the extent such amount is expended from the fund, or for such lesser amount as is expended.*

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill increases the fee assessed on fuel oil imported into the state.

This bill provides for the transfer of \$1,000,000 from the oil pollution control fund to the fuel oil discharge cleanup fund, which shall be returned from a portion of the revenue collected from fees assessed on fuel oil imported into this state.

This bill makes owners of on-premise-use facilities liable for the initial \$500 of cleanup costs expended by the fuel oil discharge cleanup fund.

**HB 563-FN-A**, relative to a tax on telecommunications easements. RE-REFER TO COMMITTEE Rep. Rep. Kenneth L. Weyler for Finance: A complication developed in review of this bill. The easements are mostly on state-owned land that are abandoned railroad rights-of-way. The commissioner of transportation is gathering information on this property and has asked for more time. Vote 21-0.

**HB 645-FN**, requiring the commissioner of health and human services to produce certain quarterly reports. RE-REFER TO COMMITTEE

Rep. W. Gordon Allen for Finance: The Committee agreed with the intent of the bill to get the legislature information on what the Department of Health and Human Services owes its vendors, so budgets can be more realistic and accurate. However, because of reassurances from the Department that they will provide the payables at year end, the Committee decided on re-referral pending the receipt of the numbers. Vote 20-0.

**HB 689-FN**, relative to a certain portion of registration fees of a nonprofit corporation. RE-REFER TO COMMITTEE

Rep. Earle W. Chandler for Finance: The bill proposes a funding mechanism for a private nonprofit education foundation. There has been no review by the education committee or the education department. For those reasons, and the unique method of funding, the committee would like further study. Vote 20-1.

**HB 705**, relative to the confidentiality of the records of the department of revenue administration. INEXPEDIENT TO LEGISLATE

Rep. Avis B. Nichols for Finance: The Department of Revenue Administration needs to work with other states when auditing companies for BPT if they do business in those states as well as in New Hampshire. The Department also needs to work with other states when auditing for interest and dividends tax which could not be done if states did not share information with each other. Vote 20-0.

**HB 714**, repealing certain duties of the secretary of state relative to the state treasurer's insurance bond and accounts of bonds issued by the state treasurer. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Margaret A. Lynch for Finance: This bill was requested by the Secretary of State as a "house-keeping measure." It repeals provisions requiring the State Treasurer's insurance bond to be kept by the Secretary of State and requiring the Secretary of State to keep accounts of state bonds. The amendment reinstates the requirement that the State Treasurer provide a \$200,000 bond before entering into the duties of the office, which was inadvertently repealed in the original bill. Vote 20-0.

#### **Amendment (0417h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** deleting certain duties of the secretary of state relative to the state treasurer's insurance bond and accounts of bonds issued by the state treasurer.

Amend the bill by replacing all after the enacting clause with the following:

1 Bonds Not Kept in Office of Secretary of State. Amend RSA 6:3 to read as follows:

6:3 Bond. Before entering upon the duties of ~~his~~ *the* office, ~~he~~ *the state treasurer* shall give bond in the sum of \$200,000, with sufficient sureties, to be approved by the governor and council, conditioned for the faithful discharge of the duties of ~~his~~ *the office of state treasurer*, including ~~his~~ duties as custodian of trust funds of state institutions and of the several funds of the state employees' retirement, teachers' retirement, policemen's retirement, firemen's retirement systems and the New Hampshire Retirement System. ~~[Said bond shall be deposited and safely kept in the office of the secretary.]~~ Upon the failure of the legislature to elect a state treasurer on the first Wednesday of December of the biennium, the state treasurer previously elected shall give a new bond in the sum of \$200,000 with sureties, to be approved by the governor and council, which bond shall be conditioned upon the satisfactory discharge of the duties of said office until a successor is elected~~[and shall be deposited and safely kept in the office of the secretary of state]~~.

2 Repeal. RSA 6-A:3, relative to accounts of state bonds kept by the secretary of state, is repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill revises and repeals provisions requiring the state treasurer's insurance bond to be kept by the secretary of state and requiring the secretary of state to keep accounts of state bonds.

**HB 732-FN**, making revisions relative to parental reimbursement for children's services to the department of health and human services. **INEXPEDIENT TO LEGISLATE**

Rep. Frances L. Riley for Finance: Testimony indicated that the system of parental reimbursement to the department for services rendered to their children is working efficiently. Passage of this bill would have proved discriminating and confusing, and would result in additional staff and equipment costs. With the approval of the sponsor, the committee voted the bill Inexpedient to Legislate. Vote 19-0.

**HB 746-FN**, relative to fees collected by the insurance department. **OUGHT TO PASS WITH AMENDMENT**

Rep. Arthur P. Klemm, Jr. for Finance: This bill eliminates the dedicated funds provision in RSA 402 for the Insurance Department's company and producer licensing fees. The bill ensures that all Insurance Department revenues become unrestricted general funds, which is the department's current practice. The amendment provides that certain expenses associated with insurance company liquidation expenses will be paid out of the assets of the liquidated company as administrative expense. Vote 20-0.

#### **Amendment (0377h)**

Amend the bill by replacing sections 2 and 3 with the following:

2 Costs and Expenses of Litigation Paid From the Insurer's Estate. Amend RSA 402-C:6 to read as follows:

402-C:6 Costs and Expenses of Litigation. In any proceeding under this chapter, the court may award such costs and other expenses of litigation as justice requires, without regard to the limitations otherwise prescribed by law. If costs and expenses are taxed against the commissioner, they shall be paid ~~[from the fund created by RSA 402:56-a]~~ pursuant to RSA 402-C:44, I.

3 Costs for Special Reports Paid From the Insurer's Estate. Amend RSA 402-C:9, II to read as follows:

## II. Special Reports.

(a) Causes of Delinquency. The commissioner shall include in [his] *the* annual report, not later than the second annual report following the initiation of any formal proceedings under this chapter, a detailed analysis of the basic causes and the contributing factors making the initiation of formal proceedings necessary, and shall make recommendations for remedial legislation. For this purpose the commissioner may appoint a special assistant qualified in insurance, finance and accounting to conduct the study and prepare the analysis, and may determine [his] *the special assistant's* compensation, which shall be paid [~~from the fund created under RSA 402:56-a~~] *pursuant to RSA 402-C:44, I.*

(b) Final Study. The commissioner shall include in [his] *the* annual report, not later than the second annual report following discharge of the receiver, a detailed study of the delinquency proceeding for each insurer subjected to a formal proceeding, with an analysis of the problems faced and their solutions. [He] *The commissioner* shall also suggest alternative solutions, as well as other material of interest, for the purpose of assisting and guiding liquidators or rehabilitators in the future. For this purpose the commissioner may appoint a special assistant qualified to conduct the study and prepare the analysis, and may determine [his] *the special assistant's* compensation, which shall be paid [~~from the fund created under RSA 402:56-a~~] *pursuant to RSA 402-C:44, I.*

**HB 804**, relative to the definition of "communication services" for purposes of the communications services tax. RE-REFER TO COMMITTEE

Rep. David J. Alukonis for Finance: The committee concurred with the sponsor who suggested that the bill be re-referred in order to await and evaluate changes in federal statutes and the federal tax code regarding certain communication services. Vote 20-0.

**HB 426**, establishing a committee to study the rules and regulations regarding the administration of medications in long-term care facilities. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph Manning for Health, Human Services and Elderly Affairs: This bill establishes two committees to investigate and recommend the most effective and least restrictive methods for the administration of medication and the licensing of assistant personnel in long-term care facilities. Vote 16-0.

## Amendment (0151h)

Amend section 3 of the bill by replacing subparagraph I(b) with the following:

(b) The committee shall solicit information from the following:

- (1) The New Hampshire board of nursing.
- (2) New Hampshire Nurses Association.
- (3) The commissioner of health and human services, or designee.
- (4) New Hampshire Health Care Association.
- (5) The New Hampshire pharmacy board.
- (6) The New Hampshire Association of Residential Care Homes (NHARCH).
- (7) Any other entity or person the board deems relevant to its study.

**HB 472**, establishing the council for children and adolescents with chronic health conditions. OUGHT TO PASS WITH AMENDMENT

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The committee unanimously supports the establishment of this council by statute. There are 17,000 chronically ill children in New Hampshire whose special needs will be represented by this council. Both the Department of Health and Human Services and the Department of Education will develop policies affecting this population. The council is needed to assist schools, Department of Health and Human Services and the Departments of Education and Insurance by researching and securing grants outside the state and federal venue. Vote 15-0.

## Amendment (0279h)

Amend RSA 126-I:1 as inserted by section 2 of the bill by replacing it with the following:  
126-I:1 Council Established; Membership; Terms.

I. There is established the council for children and adolescents with chronic health conditions and their families which shall consist of the following members:

- (a) One member of the senate, appointed by the senate president.
- (b) One member of the house of representatives, appointed by the speaker of the house.
- (c) One representative of the department of health and human services, appointed by the commissioner.
- (d) One representative of the department of education, appointed by the commissioner.
- (e) One representative of the insurance department, appointed by the commissioner.
- (f) A director from a community-based agency which has been charged by the council with providing support and services to children and adolescents with chronic health conditions and their families.
- (g) Up to 6 representatives of professional and community organizations, which shall represent a cross-section of disciplines and constituencies such as, but not limited to, physicians, nurses, and educators, appointed by the council in accordance with its bylaws.
- (h) Up to 13 members who are the parent or guardian of a child or adolescent with a chronic health condition, appointed by the council in accordance with its bylaws.
- (i) One parent or guardian of a child or adolescent with a chronic health condition, appointed by the governor.

II. Terms of office shall be for 3 years, except that legislative members who shall serve the terms of their office. No member shall serve more than 2 full consecutive terms. One third of the total members' terms shall expire annually as established in the bylaws.

III. Members shall elect annually from among their number a chairperson and such other officers as they may determine.

IV. Legislative members shall receive mileage at the legislative rate.

**HB 476**, establishing the New Hampshire council on drug abuse prevention. INEXPEDIENT TO LEGISLATE

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: The committee felt that there is no need to mandate cooperation when different agencies can and should do the same thing voluntarily. Vote 14-3.

**HB 490**, relative to the confidentiality of medical records. RE-REFER TO COMMITTEE

Rep. Carol Moore for Health, Human Services and Elderly Affairs: The committee felt that confidentiality of medical records in this age of computers is a very important concern, but requires more study. The many concerns brought up in the hearing can then be addressed. Vote 16-0.

**HB 621**, exempting wilderness/back country rescuers from RSA 151-B. RE-REFER TO COMMITTEE

Rep. Robert Foster for Health, Human Services and Elderly Affairs: This is a well intended bill that would exempt wilderness/backcountry rescuers from the provisions of RSA 151-B relative to emergency medical service. However, after much testimony and meeting with interested parties, it was voted that more work was needed to make this bill more comprehensive. Vote 15-0.

**HB 298**, permitting legislators to take time off from their regular employment to fulfill public responsibilities. INEXPEDIENT TO LEGISLATE

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The ability to come to an agreement with an employer already exists. Those who run for legislative office know the time requirements and, therefore, should make an agreement with the employer for time off. Vote 14-1.

**HB 794-FN-L**, requiring employers who require certain employees to be armed to provide body armor to the employees. INEXPEDIENT TO LEGISLATE

Rep. Franklin C. Bishop for Labor, Industrial and Rehabilitative Services: This bill requires that employers who require employees to carry firearms as a condition of employment provide body armor to the employee at no cost to the employee. The committee felt the cost incurred by this bill to all employers, including the state and its political subdivisions, would be excessive, considering that it would be a mandate imposed under the NH Constitution Part First, art. 28-a. Many of the employers are currently doing this. In all reality this should be a local management decision. Vote 15-0.

**CACR 2**, relating to reimbursement for travel expenses for members of the general court. Providing that members of the general court shall be reimbursed for actual and reasonable travel expenses incurred for legislative business with certain limitations. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Legislative Administration: The issues in this CACR were resolved by HB 440-FN. The committee felt this issue is better addressed by statute and not constitutional amendment. Vote 13-0.

**HB 351-L**, limiting the total of tax deferrals for the elderly and disabled on a particular property to a percentage of its equity value. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Linda T. Foster for Local and Regulated Revenues: This bill clarifies how municipalities calculate the amount of taxes which can be deferred under RSA 72:38-a. It also affirms that the deferral process shall not prohibit any abatement pursuant to RSA 72:16. Vote 18-0.

#### **Amendment (0426h)**

Amend the bill by replacing section 1 with the following:

1 Total of Tax Deferrals for Elderly and Disabled Limited. Amend RSA 72:38-a, I to read as follows:

I. Any resident property owner may apply for a tax deferral if the person:

- (a) Is either at least 65 years old or eligible under Title II or Title XVI of the federal Social Security Act for benefits for the disabled; and
- (b) Has owned the homestead for at least 5 years; and
- (c) Is living in the home.

The assessing officials may annually grant a person qualified under this paragraph a tax deferral for all or part of the taxes due, plus annual interest at 5 percent, if in their opinion the tax liability causes the taxpayer an undue hardship or possible loss of the property. The total of tax deferrals on a particular property shall not be more than 85 percent of its ~~[assessed]~~ equity value. *The total of tax deferrals shall be determined by the following formula:*

*Assessed Value = Equalized Assessed Value*

*Equalization Ratio*

*Equalized Assessed Value - Total of Priority Liens = Equity Value*

*Equity Value X .85 = Total Amount Which May be Deferred*

*At any time during the tax deferral process, the governing body may consider an abatement pursuant to RSA 76:16.*

#### **AMENDED ANALYSIS**

This bill limits the total of tax deferrals for the elderly and disabled on a particular property to 85 percent of the property's equity value. Equity value is the equalized assessed value of the property reduced by any priority liens.

**HB 399-L**, changing the name and qualifications for the optional property tax exemption for the totally and permanently disabled. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Linda T. Foster for Local and Regulated Revenues: This bill, as amended, refers to the language contained in Sections II and XVI of the federal Social Security Act to designate eligibility relative to a disability related property tax exemption. The exemption itself and the amount of the exemption remains a local option. Vote 18-0.

#### **Amendment (0536h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** changing the name of the optional property tax exemption for the totally and permanently disabled.

Amend the bill by replacing all after the enacting clause with the following:

1 Exemption for the Disabled. Amend RSA 72:37-b to read as follows:

72:37-b Exemption for the ~~[Totally and Permanently]~~ Disabled.

I. Upon its adoption by a city or town as provided in RSA 72:37-c, any person who is eligible under Title II or Title XVI of the federal Social Security Act for benefits to the ~~[totally and permanently]~~ disabled shall receive a yearly exemption in an amount to be chosen by the town or city.

II. The exemption in paragraph I may be applied only to property which is occupied as the principal place of abode by the ~~[totally and permanently]~~ disabled person. The exemption may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

2 Procedure for Adoption. Amend RSA 72:37-c to read as follows:

72:37-c Procedure for Adoption.

I. Any town or city may adopt the provisions of RSA 72:37-b for an optional exemption for the ~~[totally and permanently]~~ disabled in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the legislative

body may consider and act upon the question in accordance with their normal procedures for passage of resolutions, ordinances, and other legislation. The legislative body of a city may vote to place the question on the official ballot for any regular municipal election, or in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be: "Shall we adopt an exemption for the [~~totally and permanently~~] disabled? The exemption, based on assessed value, for qualified taxpayers shall be (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 years and own and occupy the real estate individually or jointly, or if the real estate is owned by a spouse, they must have been married for at least 5 years. In addition, the taxpayer must have a net income of not more than (here insert dollar amount) or, if married, a combined net income of not more than (here insert dollar amount); and own net assets not in excess of (here insert dollar amount) excluding the value of the person's residence."

II. If a majority of those voting on the question vote "Yes," the exemption for the [~~totally and permanently~~] disabled shall apply within the town or city on the date set by the selectmen or the city council; provided, however, that upon adoption the exemption shall take effect no later than April 1 next following the referendum.

III. A municipality may change the amounts of the exemption for the [~~totally and permanently~~] disabled in the manner described in paragraph I. The wording of the question shall be the same as set out in subparagraph I(c), except the word "adopt" shall be changed to "modify."

IV.(a) A town or city may consider rescinding its action in the manner described in paragraph I. The wording of the question shall be the same as set out in subparagraph I(c), except the word "adopt" shall be changed to "rescind."

(b) If a majority of those voting on the question vote "Yes," then as of the next April 1, following the action taken to rescind, the exemption for the [~~totally and permanently~~] disabled shall not apply within the town or city.

3 Applicability. Any municipality which has adopted an exemption for the totally and permanently disabled under RSA 72:37-b prior to the effective date of this act shall be construed to have adopted the exemption for the disabled under the provisions of this act.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill changes the property tax exemption for the "totally and permanently disabled" to an exemption for the "disabled."

**HB 620**, allowing a municipality to adopt plans to delay reassessments on businesses which expand in central business districts and on historic buildings listed with the National Register of Historic Places. **INEXPEDIENT TO LEGISLATE**

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill is a laudable attempt to halt the erosion of downtown areas. However, the committee feels that many safeguards are missing in the bill, such as limits on the length of time the deferral may remain in place and a recapture provision for taxes deferred. Without recapture, it is possible that the bill is unconstitutional. Vote 16-2.

**HB 636-L**, relative to municipal authority to grant tax abatements for the purpose of facilitating the transfer of contaminated property acquired by a municipality through tax deed to a buyer participating in the brownfields program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lauren Carney for Local and Regulated Revenues: This bill clarifies a municipality's ability to acquire environmentally contaminated property, without liability for the contamination, in order to convey the property to an eligible person in the brownfields program. It also allows municipalities to grant tax abatements under more relaxed rules to facilitate the transfer of the property. Vote 12-1.

#### Amendment (0348h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to facilitating the transfer of contaminated property acquired by a municipality to a buyer eligible to participate in the brownfields program.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Abatement for Brownfields Property. Amend RSA 76 by inserting after section 19 the following new section:

76:19-a Abatement for Brownfields Property.

I. Upon application of a person who qualifies as eligible to participate in the brownfields program established under RSA 147-F, the governing body of the municipality may make an abatement of prior years' taxes and accrued interest to the applicant as it shall deem just and equitable.

II. Notwithstanding RSA 76:16, I, an application pursuant to paragraph I may be made at any time during the year.

III. Nothing in this section shall affect the authority of the governing body of a municipality to grant an abatement pursuant to any other provision of law.

2 Municipal Eligibility for Participation in Brownfields Program. Amend RSA 147-F:4, I(b) to read as follows:

(b) The person, *including a municipality*, is a current owner of eligible property whose liability under RSA 147-B is based solely on the person's status as owner and who did not cause or contribute to the contamination at the property.

3 New Paragraph; Sale by Municipality to an Eligible Purchaser. Amend RSA 147-F:5 by inserting after paragraph III the following new paragraph:

III-a. A municipality that acquires an environmentally contaminated property by tax deed in order to convey the property to an eligible person in the brownfields program shall be entitled to the liability protection provided in RSA 147-F:7.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill clarifies a municipality's ability to acquire environmentally contaminated property, without liability for the contamination, in order to convey the property to an eligible person in the brownfields program and allows municipalities to grant tax abatements to facilitate the transfer of the property.

**HB 648-L**, relative to a local option fee for local or regional transportation infrastructure improvements. OUGHT TO PASS WITH AMENDMENT

Rep. Carol T. Burney for Local and Regulated Revenues: This bill allows municipalities to implement a local option fee to fund a capital reserve fund to be used only for transportation improvements at the local or regional level. This is enabling legislation only and provides a very useful tool to towns and municipalities who choose to adopt it. Vote 17-1.

#### Amendment (0399h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a local option fee for local or regional transportation improvements.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Local Option Fee for Transportation Improvements. Amend RSA 261:153 by inserting after paragraph V the following new paragraph:

VI.(a) Beginning on July 1, 1997, in addition to the motor vehicle registration fees collected under paragraphs I and V, the legislative body of a municipality may vote to collect an additional fee for the purpose of supporting a municipal and transportation improvement fund, which shall be a capital reserve fund established for this purpose and governed by the provisions of RSA 34 and RSA 35 for cities and towns, respectively. Of the amount collected, up to 10 percent, but not more than \$0.50 of each fee paid, may be retained by the local official designated by the municipal government or by the town or city clerk for administrative costs. The remaining amount shall be deposited into the municipal transportation improvement fund established to allow a community to fund, wholly or in part, improvements in the local or regional transportation system including roads, bridges, bicycle and pedestrian facilities, parking and intermodal facilities and public transportation. The funds may be used for engineering, right-of-way acquisition, and construction costs of transportation facilities, and for operating and capital costs of public transportation only. The funds may be used as matching funds for state or federal funds allocated for local or regional transportation improvements. Such funds shall be appropriated by the legislative body of the municipality for the purposes provided in this paragraph only and shall not be used to offset any other non-transportation appropriations made by the municipality.

(b) The maximum fee charged under this paragraph shall be \$5. The municipality shall establish the required fee, up to the maximum amount allowable, based on anticipated funding needs for transportation improvements. The additional fee shall be collected from all vehicles, both passenger and commercial, with the exception of all terrain vehicles as defined in RSA 215-A:1, I-b and antique motor vehicles or motorcycles, as defined in RSA 259:4.

(c) Any town or city may adopt the provisions of subparagraphs (a) and (b) for an optional additional motor vehicle registration fee to fund municipal transportation improvements in the following manner:

(1) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the legislative body may consider and act upon the question in accordance with their normal procedures for passage of resolutions, ordinances, and other legislation. The legislative body of a city may vote to place the question on the official ballot for any regular municipal election, or in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(2) The selectmen or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(3) A town or city may choose to restrict the use of the municipal transportation improvement fund to one or more of the transportation system modes provided for in paragraph VI(a). Any such restriction shall be so stated in the wording of the question.

(d) If a majority of those voting on the question vote "Yes," the additional motor vehicle registration fee shall apply within the town or city on the date set by the selectmen or the city council.

(e)(1) A town or city may consider rescinding its action in the manner described in subparagraph (c). The wording of the question shall be the same as that was adopted by the town or city, except the word "adopt" shall be changed to "rescind."

(2) If a majority of those voting on the question vote "Yes," following the action taken to rescind, the additional motor vehicle registration fee shall not apply within the town or city.

2 Establishment of Reserves Authorized; Transportation Improvements; Cities. Amend RSA 34:1 to read as follows:

34:1 Establishment of Reserves Authorized. Any city may raise and appropriate money as provided by RSA 34:2 for the establishment of a capital reserve fund for the financing of all or part of the cost of ~~(a)~~:

**I.** The construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item or of specific items of equipment~~[-or-(b)];~~

**II.** The construction, reconstruction, or acquisition of a type of capital improvement or the acquisition of a type of equipment~~[-or-(c)];~~

**III.** A reappraisal by appraisers of the department of revenue administration or such other appraisers, appraisal firms or corporations approved by the commissioner of revenue administration, of the real estate in such city for tax assessment purposes~~[-or-(d)];~~

**IV.** The acquisition of land~~[-or-(e)];~~

**V.** The acquisition of a tax map of such city~~[-]; or~~

**VI.** *Municipal and regional transportation improvement projects including engineering, right-of-way acquisition and construction costs of transportation facilities, and for operating and capital costs for public transportation.*

3 Establishment of Reserves Authorized; Transportation Improvements; Towns. Amend RSA 35:1, V, to read as follows:

V. Extraordinary legal fees and expenses related to present or foreseeable litigation involving the town or its officers and employees~~[-]; or~~

**VI.** *Municipal and regional transportation improvement projects including engineering, right-of-way acquisition and construction costs of transportation facilities, and for operating and capital costs for public transportation.*

4 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill allows municipalities to implement a local option fee to fund a capital reserve fund to be used for transportation improvements at the local or regional level.

**HB 707-L**, relative to municipal taxation of utility property. RE-REFER TO COMMITTEE  
Rep. Stephen G. Avery for Local and Regulated Revenues: The committee had two bills dealing with the deregulation issues of electrical power rates, HB 707-L and HB 566-FN-A-L. HB 566 was amended and voted OTP/A by the committee to take care of the most pressing issues. There are far more questions to be asked on this complicated issue and the committee wants the time to look at all aspects of deregulation. Therefore, we would ask your support on re-referral. Vote 14-0.

**HB 801-FN-L**, changing the interest rate on delinquent property taxes and subsequent taxes. IN-EXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Local and Regulated Revenues: While the committee understands why the sponsor wanted to reduce the rates on delinquent property taxes, it was pointed out that it is the rest of the taxpayers in the municipality that end up footing the bill. The cost of collection of past due taxes is 60% of the total cost of collecting all taxes. The committee overwhelmingly supports leaving the rates as they are, hence the ITL vote. Vote 16-1.

**HB 244**, allowing a municipality to prohibit sexually oriented businesses. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: The committee abides by the previous Supreme Court rulings that laws of this type are unconstitutional. The committee also feels that municipalities can control activities of this sort through their zoning ordinances. Vote 13-1.

**HB 380-L**, relative to the sale of town-owned property. OUGHT TO PASS WITH AMENDMENT  
Rep. Norma A. Sabella for Municipal and County Government: The bill will allow towns with 10,000 or more inhabitants to have the authority not only to sell land, but land and building or both, as long as such authority has been given to the governing body by the legislative body. Provisions are made for public hearings as well as a petitioned request of 50 registered voters prior to the governing body's vote. Furthermore the proposed sale shall be inserted in the warrant for the town meeting. Vote 16-0.

## Amendment (0435h)

Amend the bill by replacing all after the enacting clause with the following:

1 Sale of Town-Owned Land, Buildings, or Both. Amend the section heading of RSA 41:14-a and RSA 41:14-a, I to read as follows:

41:14-a Sale of Town-Owned Land, *Buildings, or Both*.

I. If adopted in accordance with RSA 41:14-c, in towns with 10,000 or more inhabitants, the selectmen shall have the authority to sell town-owned land, *buildings, or both*; provided, however, they shall first submit any such proposed sale to the planning board and to the conservation commission for review and recommendation by those bodies, where a board or commission or both, exist. After the selectmen receive the recommendation of the planning board and the conservation commission, where a board or commission or both exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed sale; provided, however, upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed sale shall be inserted as an article in the warrant for the town meeting. The selectmen's vote shall take place no sooner than 10 days nor later than 14 days after the second public hearing which is held.

2 Effective Date. This act shall take effect 60 days after its passage.

**HB 468-L**, eliminating a requirement that registers of deeds keep original copies of officers' returns of attachments and writs of execution on file permanently. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: This bill allows registers of deeds to utilize modern technology in the in the maintenance of their records. It also eliminates the necessity for them to maintain unwieldy and unnecessary files and file cabinets. Vote 18-0.

**Amendment (0527h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Requirement for Keeping Original Copies of Returns of Attachments on File Eliminated. Amend RSA 511:4 to read as follows:

511:4 Return.

*I.* The officer's return is sufficient evidence that the copy has been so left, and of the time thereof, but the register of deeds shall certify thereon the time when the copy was received and ~~[shall]~~ *may* keep it on file *or record it as provided in paragraph II.*

*II. The register of deeds may cause the originals of copies filed under paragraph I to be photographed and preserved on microfilm or optical disk or both, in addition to or in lieu of other recording methods.*

2 Requirement for Keeping Original Copies of Writs of Execution on File Eliminated. Amend RSA 529:30 to read as follows:

529:30 Register's Duty.

*I.* The register of deeds shall certify upon each copy the time when it was received, and ~~[shall]~~ *may* keep it on file *or record it as provided in paragraph II.* [He] *The register of deeds* shall also enter a record of it upon the index ~~[of attachments]~~, as in the case of attachments of real estate with the exception that the record shall state that the writ is a writ of execution.

*II. The register of deeds may cause the originals of copies filed under paragraph I to be photographed and preserved on microfilm or optical disk or both, in addition to or in lieu of other recording methods.*

3 Effective Date. This act shall take effect January 1, 1998.

**HB 543-L**, relative to valuation of aeronautical facilities for purposes of payments in lieu of property taxes. RE-REFER TO COMMITTEE

Rep. Thomas E P Rice Jr. for Municipal and County Government: We wish this bill re-referred so that we may get input from the legislative Aviation group which has shown willingness to study this matter with us. Vote 18-0.

**HB 641**, relative to property tax bills for land parcels having multiple owners. RE-REFER TO COMMITTEE

Rep. Marilyn A. Fraser for Municipal and County Government: This bill as stated would establish property tax billing procedures for land parcels which have multiple owners. All members felt that the implications and ramifications of this bill needs further analysis. Vote 14-0.

**HB 642**, requiring that all property taxes be paid prior to approval of a subdivision plat. RE-REFER TO COMMITTEE

Rep. Paul A. McGuirk for Municipal and County Government: This bill is a property tax issue that the committee wishes to study in conjunction with three or four other tax issues that have come before our committee this session. One sub-committee will study all tax issues to develop good policy. Vote 13-3.

**HB 676-FN-L**, establishing procedures for the distribution of proceeds from the sale of tax-deeded property by a municipality. RE-REFER TO COMMITTEE

Rep. Kathleen N. Taylor for Municipal and County Government: This bill establishes procedures for the distribution of proceeds from the sale of tax-deeded property by a municipality. The committee wishes to study this bill further to develop fair and equitable policies. Vote 14-0.

**HB 708**, extending the reporting date for the committee studying the issues surrounding the definition of "facility" for the purposes of eligibility for certain property tax exemptions. OUGHT TO PASS

Rep. Paul A. McGuirk for Municipal and County Government: The study committee formed during the previous session needs more time to consider the complex issues involving "facility" definition for taxation purposes of certain pollution devices and/or equipment. The committee is agreeable to this request to extend the report date to November 1, 1997. Vote 18-0.

**HB 715-L**, placing time limits on covenants that have been placed on deeds by developers. INEXPEDIENT TO LEGISLATE

Rep. Thomas E P Rice Jr. for Municipal and County Government: Time limits would raise havoc with things like maintaining open space, density, and preservation of desirable futures. Also it would frustrate the best intentions of the grantor and those who bought property because of the existing covenants. Vote 18-0.

**HB 534**, establishing a committee to study the New Hampshire highway and bridge infrastructure. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gerald P. Merrill for Public Works and Highways: This bill establishes a committee to study the New Hampshire highway and bridge infrastructure. The amendment sets up the membership as six senators and six representatives, four of whom shall be members of the Public Works & Highways Committee. Vote 16-0.

#### Amendment (0451h)

Amend subparagraph I(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Six members of the house of representatives, at least 4 of whom shall be members of the house public works and highways committee, appointed by the speaker of the house.

Amend paragraph III as inserted by section 4 of the bill by replacing it with the following:

III. Any other issues relative to the statement of purpose in section 1 of this act, which the committee deems appropriate.

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect upon its passage.

**HB 181**, prohibiting the sale or distribution of exotic aquatic weeds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter O. Crowell for Resources, Recreation and Development: The state lakes and ponds are under attack by many exotic plants. This legislation enables the Department of Environmental Services to continue their eradication program at a faster rate. The program will be funded with an increase of \$1.50 in the boat registration fee. Exotic aquatic plants are banned from purchase, sale, or transportation within the State of New Hampshire. Vote 17-0.

#### Amendment (0647h)

Amend the title of the bill by replacing it with the following:

**AN ACT** prohibiting the sale or distribution of exotic aquatic weeds and increasing certain fees.

Amend the bill by replacing all after the enacting clause with the following:

1 Increasing Lake Restoration and Preservation Fee. Amend RSA 270-E:5, II(a) to read as follows:

(a) [~~\$50~~] \$2 for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

2 Exotic Aquatic Weeds; Definition. Amend RSA 487:16, II to read as follows:

II. The term "exotic aquatic weeds" includes only those species of vascular aquatic plants which were not part of New Hampshire's native aquatic flora before 1950 [~~and which are considered to be nuisance species~~]. *Cabomba caroliniana* and *Myriophyllum heterophyllum* are *examples of* exotic aquatic weeds.

3 New Section; Prohibition. Amend RSA 487 by inserting after section 16 the following new section:

487:16-a Exotic Aquatic Weed Prohibition. No exotic aquatic weeds shall be offered for sale, distributed, sold, imported, purchased, propagated, transported, or introduced in the state. The commissioner may exempt any exotic aquatic weed from any of the prohibitions of this section consistent with the purpose of this subdivision.

4 New Subparagraphs; Emergency Response Protocol; Designation of Control Areas. Amend RSA 487:17, II by inserting after subparagraph (b) the following new subparagraphs:

(c) Develop an emergency response protocol to eradicate small new infestations. The protocol may include contractual agreements with one or more licensed pesticide applicators that would enable the prompt treatment of exotic aquatic weeds with herbicides consistent with the criteria provided in subparagraph (b).

(d) Designate, in consultation with the department of fish and game and the division of safety services, department of safety, restricted use of exotic aquatic weed control areas.

5 New Paragraphs; Rulemaking. Amend RSA 487:24 by inserting after paragraph VII the following new paragraphs:

VII-a. Administration and enforcement of, and exemptions to, the exotic aquatic weed prohibition under RSA 487:16-a.

VII-b. Criteria governing the emergency response protocol under RSA 487:17, II(c).

VII-c. Designation of restricted use exotic aquatic weed control areas under RSA 487:17, II(d).

6 Lake Restoration and Preservation Fee. Amend RSA 487:25, I to read as follows:

I. An additional fee of [\$50] \$2 to those already collected under the provisions of RSA 270-E:5 for each private boat registered shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said additional fees to the state treasurer who shall keep said fees in a special fund to be expended by the department of environmental services. *The department shall use \$.50 of the fee for lake restoration and preservation measures, [including] exclusive of exotic aquatic weed control, and \$1.50 of the fee for the control of exotic aquatic weeds.* The special fund shall be nonlapsing. All funds received under this section are continually appropriated to the department for the purposes of this subdivision.

7 Effective Date. This act shall take effect January 1, 1998.

### AMENDED ANALYSIS

This bill prohibits the advertising for sale, distribution, or sale of exotic aquatic weeds and allows the department of environmental services to develop an emergency response protocol and control areas for exotic aquatic weeds.

This bill also increases the additional boat registration fees designated for lake restoration and preservation.

**HB 350**, exempting permits by rule and permits by notification from certain excavating and dredging permit requirements. RE-REFER TO COMMITTEE

Rep. William E. Williams, Jr. for Resources, Recreation and Development: This bill was requested by the Department of Environmental Services and refers to permits by rule and permits by notification. Since DES is undergoing a major change in their rules, it seemed proper to re-refer this bill until the rules are in place. Vote 16-0.

**HB 710-FN**, requiring boating safety education. RE-REFER TO COMMITTEE

Rep. Rudolf A. Adler for Resources, Recreation and Development: This bill once again visits the pressing need for increased awareness of boating safety issues. The testimony received was unanimous in support of the concepts, however, the committee opinion was to re-refer the bill in order to present the house with a more comprehensive plan to improve boater safety through a workable and cooperative public/private education program. Vote 17-0.

**HB 257**, offering priority to qualified veterans for participation in training programs funded by the state or federal government. OUGHT TO PASS WITH AMENDMENT

Rep. Peter F. Bergin for State-Federal Relations and Veterans Affairs: This bill offers priority to qualified veterans for participation in training programs funded by the state or federal government. The committee felt that it was important to give veterans a priority in state and federal training programs. Vote 16-0.

### Amendment (0375h)

Amend RSA 115-B:1, II as inserted by section 2 of the bill by replacing it with the following:

II. "Eligible veteran" means a person who:

(a) Served on active duty and was discharged or released from active duty with an honorable discharge;

(b) Was discharged or released from active duty because of a service-connected disability; or

(c) As a member of a reserve component under an order to active duty, served on active duty during a period of war or in a campaign or expedition for which a campaign badge or ribbon is authorized and was discharged or released from such duty with an honorable discharge.

Amend RSA 115-B:1, IV as inserted by section 2 of the bill by replacing it with the following:

IV. "Reserve component" includes any branch of the military which is called up to active duty, including any military defense forces.

Amend RSA 115-B:5 as inserted by section 2 of the act by replacing it with the following:

**115-B:5 Discrimination Complaints.** Complaints of discrimination arising under this chapter shall be investigated and remedied to the extent allowed by law. Complaints shall be made to the state veterans' council by the veteran or such veteran's authorized representative.

**HB 212**, removing the provision allowing a motor vehicle operator to produce a license within 48 hours of demand by a police officer. **INEXPEDIENT TO LEGISLATE**

Rep. John S. Langone for Transportation: The committee feels this bill is unnecessary. With regard to the paragraph giving police officers the authority to take drivers into custody who cannot display photographic identification, existing law already grants such authority. Pursuant to RSA 594:10 a police officer has the authority to arrest a driver charged with a motor vehicle violation, provided the violation is committed in his or her presence. If the driver cannot produce a driver's license upon a valid request, and the police officer observed the driver driving the motor vehicle, all the elements of an offense under RSA 263:2 have been committed in his or her presence. Additionally, the removal of the 48 hour exception to the law does not interfere with the police officer's discretion in administering motor vehicle laws. Thus, a police officer maintains the discretion to take no action until the driver can produce a valid driver's license. Vote 18-0.

**HB 415**, establishing speed limits for OHRVs traveling on the frozen surface of Back Lake in the town of Pittsburg. **OUGHT TO PASS WITH AMENDMENT**

Rep. John S. Langone for Transportation: The committee feels this bill will help solve the problem of excessive night speeds of OHRVs on Back Lake. The sponsor and supervisor of the New Hampshire Department of Transportation are all in favor of the bill as amended. Vote 17-0.

#### **Amendment (0424h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a nighttime speed limit for OHRVs traveling on the frozen surface of Back Lake in the town of Pittsburg.

Amend RSA 215-A:4-a as inserted by section 1 of the bill by replacing it with the following:

215-A:4-a Night Speed Limit for OHRVs on Frozen Surface of Back Lake. No person shall operate any OHRV in excess of 35 miles per hour during night hours, on the frozen surface of Back Lake in the town of Pittsburg. As used in this section, "night hours" means the hours between ½ hour after sunset and ½ hour before sunrise. Any person who violates this section shall be guilty of a violation.

#### **AMENDED ANALYSIS**

This bill establishes a nighttime speed limit for OHRVs traveling on the frozen surface of Back Lake in the town of Pittsburg.

**HB 586**, changing the expiration date of OHRV registrations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Transportation: Testimony for this bill showed that there is no negative impact to the users of OHRV's in this legislation. It does, however, provide a tool by which the Department of Resources and Economic Development can get hard numbers rather than estimates to calculate the grant-in-aid funds for the next season. Vote 16-0.

#### **Amendment (0327h)**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 1998.

**HB 598-FN**, relative to liens on aircraft for nonpayment of aircraft registration fees. **OUGHT TO PASS**

Rep. Robert H. Milligan for Transportation: After notification is made to an aircraft owner of non-registration and no compliance is acted upon by the owner, then a lien may be imposed on such aircraft. When payment is received such lien shall be released. Vote 16-0.

Referred to Finance.

**HB 695**, establishing a committee to study the educational requirements of student drivers. **OUGHT TO PASS**

Rep. Peter R. Cote for Transportation: This bill sets up a study committee for the purposes of reviewing the driver training program with an eye toward avoiding the continued tragedies and injury to teenage and new drivers on the highways due to automobile accidents involving such new drivers. Vote 15-1.

**HB 797**, requiring emergency vehicles to stop for school buses, and requiring the use of both audible and visual emergency signals, in certain circumstances. **OUGHT TO PASS**

Rep. Ralph L. Akins for Transportation: A representative from the New Hampshire Professional Fire Fighters Association along with a New Hampshire police chief testified in favor of this bill. Their testimony indicated that this procedure was currently an accepted common practice and common sense. This bill would formally make this procedure a standard safety policy. Vote 14-0.

## REGULAR CALENDAR PART II

**HB 241**, relative to genetic testing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: Genetic testing is a subject of great concern and caution for the committee. Access to affordable long-term care insurance is essential to the economic well being of New Hampshire families and the state as a whole. We should encourage, whenever possible, the purchase of insurance. A genetic mutation does not guarantee a medical problem. The use of genetic testing for long-term care insurance will only limit access to those who may need insurance. The amendment to this bill prohibits the use of genetic testing for long term care. Vote 12-2.

### Amendment (0540h)

Amend the bill by replacing all after the enacting clause with the following:

1 Long-term Care Insurance Coverage. Amend RSA 141-H:4 and RSA 141-H:5 to read as follows:

141-H:4 Use of Genetic Testing in Health Insurance *and Long-term Care Insurance*. [~~A health~~]  
An insurer in connection with providing health insurance *or long-term care insurance* shall not:

I. Require or request directly or indirectly any individual or a member of the individual's family to undergo genetic testing.

II. Require or request directly or indirectly any individual to reveal whether the individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.

III. Condition the provision of health insurance coverage, *long-term care insurance coverage*, or health care benefits on whether an individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.

IV. Consider in the determination of rates or any other aspect of health insurance coverage, *long-term care insurance coverage*, or health care benefits provided to an individual whether an individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.

141-H:5 Use of Genetic Testing in Life[;] *and* Disability Income[; ~~and Long-term Care~~] Insurance

I. Except as provided in paragraph II of this section, the provisions of this chapter shall not apply to the provision of life insurance[;] *or* disability income insurance[; ~~or long-term care insurance~~].

II. A person in the business of providing life[;] *or* disability income[; ~~or long-term care~~] insurance who obtains information with respect to any genetic testing of an individual or a member of the individual's family shall not use that information in writing a type of insurance coverage other than life[;] *or* disability income[; ~~or long-term care~~] insurance.

2 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill provides that an insurer providing long-term care insurance shall not require persons to undergo genetic testing unless under the terms of an employee benefit plan.

Adopted.

Rep. Vachon offered a floor amendment.

### Floor Amendment (0664h)

Amend the bill by replacing all after the enacting clause with the following:

1 Amount of Benefits Added. Amend RSA 141-H:3, V to read as follows:

V. This section shall not prohibit or limit genetic testing for evidence of insurability with respect to [~~life~~;] disability income[;] or long-term care insurance under the terms of an employee benefit plan. *This section shall not prohibit or limit genetic testing for evidence of insurability with respect to life insurance if the cumulative potential benefits payable under any such policies issued to any one individual exceed \$250,000 and such policies are not a part of a group benefit or group policy.*

2 Long-term Care Insurance Coverage. Amend RSA 141-H:4 and RSA 141-H:5 to read as follows:

141-H:4 Use of Genetic Testing in Health Insurance *and Long-term Care Insurance*. [~~A health~~  
An insurer in connection with providing health insurance *or long-term care insurance* shall not:

I. Require or request directly or indirectly any individual or a member of the individual's family to undergo genetic testing.

II. Require or request directly or indirectly any individual to reveal whether the individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.

III. Condition the provision of health insurance coverage, *long-term care insurance coverage*, or health care benefits on whether an individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.

IV. Consider in the determination of rates or any other aspect of health insurance coverage, *long-term care insurance coverage*, or health care benefits provided to an individual whether an individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.

141-H:5 Use of Genetic Testing in Life[;] *and* Disability Income[; ~~and Long-term Care~~] Insurance

I. Except as provided in paragraph II of this section, *when the cumulative potential benefits payable under one or more life insurance policies issued to one individual exceed \$250,000 and such policies are not a part of a group benefit or group policy*, the provisions of this chapter shall not apply to the provision of life insurance[;] *or* disability income insurance[; ~~or long-term care insurance~~].

II. A person in the business of providing [life;] disability income[; ~~or long-term care~~] insurance who obtains information with respect to any genetic testing of an individual or a member of the individual's family shall not use that information in writing a type of insurance coverage other than [life;] disability income[; ~~or long-term care~~] insurance. *A person in the business of providing life insurance who obtains information with respect to any genetic testing of an individual or a member of the individual's family shall not use that information in writing any type of insurance coverage except for life insurance when the cumulative potential benefits payable under policies issued to one individual exceed \$250,000 and such policy is not a part of a group benefit or group policy.*

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill provides that an insurer providing long-term care insurance shall not require persons to undergo genetic testing unless under the terms of an employee benefit plan.

This bill also states that the law prohibiting genetic testing for life insurance purposes does not apply when the cumulative potential benefits of such a policy issued to one individual exceeds \$250,000 and such policy is not a part of a group benefit or group policy.

Rep. Vachon spoke in favor.

Rep. Herman spoke against and yielded to questions.

On a division vote, 138 members having voted in the affirmative and 192 in the negative, the floor amendment failed.

Report adopted and ordered to third reading.

**HB 102**, relative to criminal history checks for all school employees and applicants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael Marcinkowski for Education: The committee spent considerable time discussing the implications of this bill and the majority concluded that pupil safety was paramount. In addition it identifies the responsibility for a criminal history check to be best handled at the point of employment. The amendment included charter schools, and a provision to allow the current yearly criminal history check for contracted school bus drivers. Vote 17-2.

#### Amendment (0298h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to school employee background investigations.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. It is the intent of this act to provide safe environments for pupils and to provide criminal history checks for those persons who are regularly in contact with pupils in the performance of their duties. It is not the intent to unduly burden volunteers and other such persons, contractors, or subcontractors who are not regularly in contact with pupils.

2 School Employee Background Investigations. RSA 189:13-a is repealed and reenacted to read as follows:

189:13-a School Employee Background Investigations.

I. The employing school administrative unit, school district, or charter school shall complete a background investigation, including a criminal history records check, on every selected applicant for employment in any position in the school administrative unit, school district, or charter school prior to a final offer of employment.

II. The selected applicant for employment with a school administrative unit, school district, or charter school shall submit to the employer a notarized criminal history records release form and a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, or charter school.

III. The school administrative unit, school district, or charter school shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history record inquiry through its records and through the Federal Bureau of Investigation.

IV. The school administrative unit, school district, or charter school may require the selected applicant for employment to pay the actual costs of the background investigation, including a criminal history records check.

V. Any person who has been convicted of murder, child pornography, aggravated felonious sexual assault, felonious sexual assault, or kidnapping in this state, or under any statute prohibiting the same conduct in another state, territory or possession of the United States, shall not be hired by a school administrative unit, school district, or charter school.

VI. This section applies to any employee or selected applicant for employment with private businesses and agencies which contract with school administrative units, school districts, or charter schools to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel or, any other service where the contractor or employees of the contractor provide services directly to students of the district or charter school. The cost for background investigations, including criminal history records checks, for employees or selected applicants for employment with such contractors shall be borne by the contractor.

3 Application.

I. A school employee background investigation, including a criminal history records check, shall be performed, under RSA 189:13-a, for an employee working under a contract existing on the effective date of this act, only if the employee was hired after the effective date of this act.

II. A school employee background investigation, including a criminal history records check, shall be performed under RSA 189:13-a for each employee working under a contract entered into after the effective date of this act.

III. The provisions of RSA 189:13-a shall not prohibit more frequent criminal history records checks required by law, in addition to those required under RSA 189:13-a.

4 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

**HB 501**, including blindness in the special education provisions, and allowing attorneys to act as neutrals in special education dispute resolution. **OUGHT TO PASS**

Rep. Susan B. Durham for Education: There are two components to the bill. The first concerns the Alternative Dispute Resolution Process, instead of the expense of a formal hearing to adjudicate the appropriateness of an I.E.P. (Individualized Education Plan). A study has shown that special education disputes are more likely to be settled without a formal hearing when the administrative officer assigned to the case is a lawyer. The second component, including blindness in the definition for special education, is for clarity in the visually impaired definition. Vote 14-6.

Adopted and referred to Finance.

**HB 314**, relative to spending caps for state political candidates. **INEXPEDIENT TO LEGISLATE**  
Rep. C. Donald Stritch for Election Law: The committee felt that the present penalties were sufficient at this time and do not need adjustment. Vote 13-2.

Adopted.

**HB 354**, repealing the exemption for social activities from political expenditure and contribution reporting requirements. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**  
Rep. C. Donald Stritch for the Majority of Election Law: The committee felt that the present exemptions for certain political activities could better be addressed under a subcommittee study included in HB 356. Vote 8-7.

Rep. Raymond C. Buckley for the Minority of Election Law: The Minority believes no credible argument can be made for this blatant election law loophole. This bill repeals the loophole allowing candidates to hide the names of contributors by claiming the cost of the event was equal to the ticket price. This loophole needs to be closed. The public deserves full disclosure.

Reps. Buckley and Arndt spoke in favor.

Majority report adopted.

**HB 355**, relative to prohibited political contributions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. C. Donald Stritch for the Majority of Election Law: This bill reduces that amount of contribution that may be made in behalf of a person's own candidacy. This is another bill the committee feels should be fully examined via the re-referral under HB 356. Vote 8-7.

Rep. Jane A. Clemons for the Minority of Election Law: The Minority feels this bill brings us in compliance with the U.S. congressional allowance for political contributions to a candidate by decreasing the \$5,000 amount to \$1,000. The Minority also feels this bill is a step toward credibility with the New Hampshire citizens, as we continue to promise political campaign reforms and have so far accomplished nothing.

Rep. Buckley spoke in favor.

Majority report adopted.

**HB 356**, relative to reporting requirements for political candidates and political committees. **MAJORITY: RE-REFER TO COMMITTEE. MINORITY: OUGHT TO PASS.**

Rep. C. Donald Stritch for Election Law: The committee felt that the \$500 level for political reporting was sufficient but felt that the subject should be further studied by the committee. There are some issues regarding financing, fund raising, and expenditures that need further thought. The committee would like to peruse the contents of HB 355 and HB 356. Vote 8-7.

Rep. Raymond C. Buckley for the Minority of Election Law: The Minority supports passage of HB 356 which increases disclosure of campaign contributions. It lowers the initial reporting requirement from \$500 to \$250. It also requires disclosure of all contributions of \$10 or more, down from the current \$25. HB 356 would increase disclosure and should be passed now.

Majority report adopted.

**HB 374-FN-L**, establishing 400 separate districts for the election of state representatives and re-numbering state representative districts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Thomas I. Arnold, Jr. for the Majority of Election Law: The majority of the committee found that although individual districts are a desirable goal, this particular bill encouraged collusion between/among entrenched incumbents which would result in a) incumbents "never" opposing one another, and b) newcomer aspirants would "always" face an incumbent. Vote 10-5.

Rep. Raymond C. Buckley for the Minority of Election Law: This bill would establish 400 one-on-one house races without changing the actual borders of any legislative district. Simply, HB 374 would require each house candidate to choose which singular race they wish to run in—same voters, same physical district—the only difference would be ballot placement creating one on one races. The minority believes that this bill would make each house candidate and legislator more accountable to the public.

Majority report adopted.

**HB 379-FN**, relative to reporting of contributions to candidates for speaker of the house and senate president. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lynn C. Horton for Election Law: The committee believes that the time has come for the contributions for Speaker of the House and President of the Senate to be reported and to become public record. Vote 15-0.

**Amendment (0328h)**

Amend the bill by replacing the title with the following:

**AN ACT** requiring all candidates for speaker of the house or senate president to file certain reports of contributions and to register as political committees.

Amend the bill by replacing section 1 with the following:

1 New Section; Reporting of Contributions to Candidates for Senate President or Speaker of the House Required. Amend RSA 664 by inserting after section 7 the following new section:

664:7-a Reporting by Candidates for Senate President or Speaker of the House of Representatives.

I. Each candidate seeking election by the senate for senate president or seeking election by the house of representatives for speaker of the house of representatives, who has expenditures exceeding or receipts exceeding \$500, shall:

(a) File statements before and after such election in like manner and detail prescribed in RSA 664:6, II, II-a, and III, up to and including the additional dates of 7 days prior to, and 7 days following, the date of the respective election; and

(b) Register as a political committee, pursuant to RSA 664:3, on the date that such person becomes a candidate for senate president or speaker of the house of representatives, notwithstanding the definition of the term "political committee" in RSA 664:2, III.

II. In this section, and notwithstanding RSA 664:2, II, the term "candidate" means a person who seeks nomination for election, or election, for speaker of the house of representatives or for senate president, and for purposes of this section, a person shall be deemed to seek nomination for election, or election if such person:

(a) Has received gifts or contributions aggregating in excess of \$500 or has made expenditures aggregating in excess of \$500; or

(b) Has given his or her consent to another person to receive gifts or contributions or make expenditures on behalf of such person and if such other person has received such gifts or contributions aggregating in excess of \$500 or has made such expenditures aggregating in excess of \$500.

**AMENDED ANALYSIS**

This bill requires all candidates for house speaker or senate president to file certain reports of contributions and to register as political committees.

Adopted.

Report adopted and ordered to third reading.

**HB 417**, relative to ballot certification for political parties. **OUGHT TO PASS WITH AMENDMENT**

Rep. Raymond C. Buckley for Election Law: This bill expands the definition of the term "party" for purposes of elections, including what is required for ballot certification. This bill also provides for choosing party candidates for election by caucus or convention rather than state primary election for parties with membership of less than 3 percent of the total voter registration. Vote 12-2.

**Amendment (0384h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to ballot certification for political parties and choosing certain party candidates by caucus or convention.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Choosing Candidates by Party Caucus or Convention. Amend RSA 653 by inserting after section 8 the following new section:

653:8-a Choosing Candidates by Means other than State Primary Election. Notwithstanding any other provision of law to the contrary, any party, as defined in RSA 652:11, which has a membership of less than 3 percent of the total registered voters in the state shall choose its candidate by holding a caucus or convention rather than by means of the state primary election. A list of candidates so nominated by caucus shall be submitted to the secretary of state no later than the Wednesday 3 weeks before the primary.

3 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill changes the definition of the term "party" for purposes of elections, including what is required for ballot certification. This bill also provides for choosing of certain party candidates for election by caucus or convention rather than state primary election.

Adopted.

Report adopted and ordered to third reading.

**HB 503-FN-L**, relative to direct recall elections. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Lynn C. Horton for the Majority of Election Law: Direct recall elections have some merit. However, this bill includes members of congress which we have no authority to do. Most towns have their own recall procedures which takes care of local officials. The committee felt that this complicated bill is not needed at this time. Vote 13-2.

Rep. Raymond C. Buckley for the Minority of Election Law: This bill is an important tool for citizens to utilize to ensure public accountability by their elected officials. This reform bill has been crafted to allow voters to recall local, county, state, and congressional elected officials in a reasonable and responsible manner. No one appeared in opposition to this, and the minority believes the public deserves to have the right to recall.

Reps. Ferguson and D'Allesandro spoke against.

Rep. Holden spoke in favor.

Rep. Arnold spoke in favor and yielded to questions.

Rep. Arnold requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 230 NAYS 124

## YEAS 230

## BELKNAP

|                   |                |                |                |
|-------------------|----------------|----------------|----------------|
| Bartlett, Gordon  | Boriso, Thomas | Clark, Charles | Golden, Paul   |
| Holbrook, Robert  | Hurt, George   | Lawton, David  | Lawton, Robert |
| Rice, Thomas, Jr. | Rosen, Ralph   | Thomas, John   | Turner, Robert |
| Veazey, John      | Ziegler, Alice |                |                |

## CARROLL

|                        |                    |                 |                |
|------------------------|--------------------|-----------------|----------------|
| Babson, David, Jr.     | Bradley, Jeb       | Chandler, Gene  | Cooper, Kipp   |
| Dickinson, Howard, Jr. | Foster, Robert     | Howard, Godfrey | Kenney, Joseph |
| Lyman, L. Randy        | MacDonald, Kenneth | Mock, Henry     | Patten, Betsey |
| Philbrick, Donald      |                    |                 |                |

## CHESHIRE

|                    |                   |                 |                    |
|--------------------|-------------------|-----------------|--------------------|
| Avery, Stephen     | Hunt, John        | Manning, Joseph | McNamara, Wanda    |
| Metzger, Katherine | Royce, H. Charles | Smith, Edwin    | Steere, Myron, III |

## COOS

|                   |                  |                |                 |
|-------------------|------------------|----------------|-----------------|
| Coulombe, Henry   | Coulombe, Yvonne | Davis, Perley  | Guay, Lawrence  |
| Horton, Lynn      | Merrill, Gerald  | Moynihn, Wayne | Pratt, Leighton |
| St. Hilaire, Paul | Tholl, John, Jr. |                |                 |

## GRAFTON

|                    |                    |                    |                        |
|--------------------|--------------------|--------------------|------------------------|
| Akins, Ralph       | Alger, John        | Almy, Susan        | Chase, Paul, Jr.       |
| Copenhaver, Marion | Eaton, Stephanie   | Guaraldi, Lawrence | Ham, Bonnie            |
| Hill, Richard      | Hinman, Harry      | MacNeil, Allen     | Phinney, William       |
| Root, John         | Teschner, Douglass | Trelfa, Richard    | Williams, William, Jr. |

## HILLSBOROUGH

|                  |                 |                 |                     |
|------------------|-----------------|-----------------|---------------------|
| Ackerman, Philip | Alukonis, David | Amidon, Eleanor | Arnold, Thomas, Jr. |
| Belvin, William  | Bergin, Peter   | Boutin, David   | Briefs, Geoffrey    |

Brundige, Robert  
Chabot, Robert  
Cote, David  
Dokmo, Cynthia  
Fields, Dennis  
Golding, William  
Hansen, Herbert  
Holt, David  
Kurk, Neal  
Lessard, Rudy  
MacAuslan, Rita  
McGough, Tim  
Messier, Irene  
Perkins, Paul  
Sargent, Maxwell  
White, Donald

Burke, M. Virginia  
Christiansen, Lars  
Daniels, Gary  
Durham, Susan  
Flora, Kathleen  
Gosselin, Gerald  
Hart, Nick  
Hunter, Bruce  
L'Heureux, Robert  
Letendre, Evelyn  
MacGillivray, Jeffrey  
McRae, Karen  
Milligan, Robert  
Peterson, Andrew  
Searles, Stanley, Sr.  
Wright, George

Calawa, Leon, Jr.  
Clay, Susan  
Dawe, Eileen  
Dyer, Merton  
Foster, Linda  
Goulet, Maurice  
Holden, Carol  
Jean, Claudette  
LaRose, Richard  
Lozeau, Donnalee  
Marcinkowski, Michael  
Melcher, Harold  
Morello, Michael  
Piteri, Dawn  
Thulander, O. Alan

Carney, Lauren  
Clegg, Robert, Jr.  
Desrosiers, William  
Emerton, Lawrence, Sr.  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Jean, Loren  
Leishman, Peter  
Lynde, Harold  
McCarty, Winston  
Mercer, Robert  
O'Hearn, Jane  
Riley, Frances  
Wheeler, Robert

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Hager, Elizabeth  
Lamach, Bernard  
Leber, William  
Morrill, Olive

Brown, Mary  
DeStefano, Stephen  
Hess, David  
Langer, Ray  
Lockwood, Robert  
Pfaff, Terence

Chandler, Earle  
Feuerstein, Martin  
Jacobson, Alf  
Larrabee, David  
Marshall, Kenneth  
Whalley, Michael

Colburn, Thomas  
Gile, Mary  
Krueger, Patricia  
Lavoie, Gerard  
Maxfield, Roy  
Whittemore, James

### ROCKINGHAM

Aranda, M. Kathryn  
Belanger, Ronald  
Case, Margaret  
Dodge, Robert  
Dunham, Vivian  
Francoeur, Sheila  
Henderson, Warren  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McKinney, Betsy  
Raynowska, Bernard  
Simmons, John Anthony  
Stritch, C. Donald  
Weatherspoon, Jackie

Arndt, Janet  
Bishop, Franklin  
Christie, Andrew, Jr.  
Dowd, Sandra  
Fesh, Robert  
Frechette, Joseph  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Mikowski, Walter  
Reardon, Neil  
Smith, Kevin  
Tufts, J. Arthur  
Welch, David

Battles-Peirce, Marjorie  
Camm, Kevin  
Cote, Patricia  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Katsakiores, George  
Langley, Jane  
Malcolm, Kenneth  
Noyes, Richard  
Sabella, Norma  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

Beaulieu, Jon  
Carson, Gregory  
Dearborn, Bruce  
Dube, LeRoy  
Flanders, John, Sr.  
Griffin, Mary  
Katsakiores, Phyllis  
Letourneau, Robert  
McCarthy, John, Jr.  
Packard, Sherman  
Schanda, Frank  
Stone, Joseph  
Verani, Giovanni  
Woods, Deborah

### STRAFFORD

Berube, Roger  
Knowles, William  
Spear, Barbara

Brown, Julie  
McKinley, Robert  
Torr, Ann

Dunlap, Patricia  
Musler, George  
Torr, Franklin

Keans, Sandra  
Rogers, Rose Marie  
Tsiros, William

### SULLIVAN

Adler, Rudolf  
Lindblade, Eric

Ferland, Brenda  
Palmer, Lorraine

Flint, Gordon  
Wiggins, Celestine

Krueger, Richard

### NAYS 124

### BELKNAP

Boyce, Robert

Laflam, Robert

Salatiello, Thomas

### CARROLL

None

**CHESHIRE**

|                   |                     |                    |                    |
|-------------------|---------------------|--------------------|--------------------|
| Bonneau, Sarah    | Burnham, Daniel     | Champagne, Richard | DePecol, Benjamin  |
| Doucette, Richard | Lynch, Margaret     | Lynott, Margaret   | Meador, David      |
| Pratt, John       | Richardson, Barbara | Riley, William     | Robertson, Timothy |
| Vogl, John        |                     |                    |                    |

**COOS**

|                |                  |              |
|----------------|------------------|--------------|
| Bradley, Paula | Hawkinson, Marie | Mears, Edgar |
|----------------|------------------|--------------|

**GRAFTON**

|                  |               |              |                |
|------------------|---------------|--------------|----------------|
| Below, Clifton   | Guest, Robert | LaMott, Paul | Lovett, Sidney |
| Nordgren, Sharon | Weber, Phil   |              |                |

**HILLSBOROUGH**

|                     |                         |                   |                     |
|---------------------|-------------------------|-------------------|---------------------|
| Allen, W. Gordon    | Asselin, Robert         | Baroody, Benjamin | Barry, William, III |
| Batula, Peter       | Bernier, Shannon        | Buckley, Raymond  | Cardin, Lori        |
| Carlson, Donald     | Clemons, Jane           | Cote, Peter       | D'Allesandro, Lou   |
| Daigle, Robert      | Drabinowicz, A. Theresa | Dwyer, Paul, Sr.  | Fenton, James       |
| Ferguson, Charles   | Foster, Joseph          | Franks, Suzan     | Gage, Ruth          |
| Ginsburg, Ruth      | Haley, Robert           | Hall, Betty       | Herman, Keith       |
| Johnson, Lionel     | Lefebvre, Roland        | Leonard, Peter    | Luebker, Bernard    |
| McCarthy, William   | McDonald, James, Sr.    | Mittelman, David  | Murch, George       |
| Murphy, Robert      | O'Rourke, Thomas        | Pepino, Leo       | Reidy, Frank        |
| Vaillancourt, Steve | Welch, Donald           | White, Jay        |                     |

**MERRIMACK**

|                 |                    |                 |                 |
|-----------------|--------------------|-----------------|-----------------|
| Burney, Carol   | Crosby, Toni       | Dunn, Miriam    | Fraser, Marilyn |
| French, Barbara | Hoadley, Elizabeth | Moore, Carol    | Nichols, Avis   |
| Owen, Derek     | Reardon, Tara      | Seldin, Gloria  | St. Cyr, Gerard |
| Wallin, Jean    | Wallner, Mary Jane | Yeaton, Charles |                 |

**ROCKINGHAM**

|                   |                     |                    |                   |
|-------------------|---------------------|--------------------|-------------------|
| Clark, Martha     | Coes, Betsy         | Cushing, Robert    | Downing, Michael  |
| Heath, John       | Hutchinson, Rebecca | Kane, Cecelia      | Kelley, Jane      |
| Langone, John     | McGovern, Cynthia   | Micklon, Stephanie | Millard, Ralph    |
| Morris, Debbie    | Norelli, Terie      | O'Keefe, Patricia  | Pantelakos, Laura |
| Syracusa, Anthony | Vaughn, Charles     |                    |                   |

**STRAFFORD**

|                   |                      |                  |                  |
|-------------------|----------------------|------------------|------------------|
| Bickford, David   | Brennan, William     | Callaghan, Frank | Estabrook, Iris  |
| Grassie, Anne     | Hemon, Roland        | Hilliard, Dana   | Kaen, Naida      |
| Lundborn, Raymond | McCann, William, Jr. | Merrill, Amanda  | Merritt, Deborah |
| Pelletier, Arthur | Pelletier, Marsha    | Rollo, Michael   | Smith, Marjorie  |
| Snyder, Clair     | Sullivan, Henry      | Twardus, Joseph  | Vachon, Dennis   |
| Wall, Janet       |                      |                  |                  |

**SULLIVAN**

|                |                  |                |                 |
|----------------|------------------|----------------|-----------------|
| Allison, David | Burling, Peter   | Cloutier, John | Donovan, Thomas |
| Leone, Richard | Schotanus, Merle |                |                 |

and the report was adopted.

**HB 546**, relative to the form of the presidential primary election ballots. **OUGHT TO PASS**  
Rep. Nick Hart for Election Law: The secretary of state indicated that this bill will save the state approximately \$30,000 for each presidential primary. It also will be much easier for the voters to find their choice of candidate on a list of 50 or 60 candidates. Vote 10-5.

Adopted and ordered to third reading.

**HB 576**, relative to anonymous political campaign literature or communications. **INEXPEDIENT TO LEGISLATE**

Rep. Dana S. Hilliard for Election Law: This bill would rescind the requirement that the author (individual, candidate, PAC, etc.) of political flyers and advertisements be disclosed on the literature. The committee concurs that the Supreme Court's decision in McIntyre v. Ohio Elections Commission requires a critical review of certain laws relative to campaign literature. However, the scope of the bill may go beyond constitutional requirements. The bill as drafted would not only apply to citizens desiring to distribute anonymous political handbills but would also apply to political candidates who publish ads attacking their opponents. Further, the bill purports to grant immunity from prosecution of libel claims if they arise from anonymous political literature. Based on these and other concerns the committee voted unanimously that the bill is inexpedient to legislate. However, the committee notes that the issues raised by McIntyre will be studied in connection with HB 333 which was re-referred. Vote 13-0.

Adopted.

Rep. Root declared a conflict of interest and did not participate.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. McCann requested that his protest be entered on the Journal.

I protest the vote on HB 576. The Supreme Court of the United States ruled in McIntyre v. Ohio Elections Commission in such a manner which would make NH laws unconstitutional. The committee report acknowledges that. Until the committee brings back HB 333, New Hampshire is in violation of the first amendment of the Constitution. I protest this serious violation of our right to free speech.

**REGULAR CALENDAR - PART II (CONT'D.)**

**HB 766-FN**, forbidding the acceptance of anything of value by state officials, appointed officials, and legislative employees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Thomas I. Arnold, Jr. for the Majority of Election Law: The committee agreed that the goals expressed by the sponsor are beneficial but found that the legislation, as proposed, would not achieve those goals. The legislation would have the potential for making individuals subject to a jail term for accepting "anything of value." The committee feels this opportunity for mischief cannot be risked. Vote 9-5.

Rep. Raymond C. Buckley for the Minority of Election Law: The minority believes this bill deserves further study. The issue of public officials receiving gifts and holding testimonials without reporting the expenditures of such proceeds is deeply troubling. The minority believes that while the committee studies the larger issues of campaign finance reform we should also study this important issue.

Majority report adopted.

**HB 428-FN-L**, known as the Maggie Boyle Terninko Act, repealing RSA 430:49, the law preempting local regulation of pesticides. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Environment and Agriculture: The Committee voted inexpedient to legislate because the current programs, already in place, working and a comprehensive, cohesive statewide policy affords owners, applicators and citizens a reasonable solution to their problems. Vote 17-2.

Adopted.

**HB 463-FN**, relative to aerial spraying of herbicides. **INEXPEDIENT TO LEGISLATE**

Rep. David L. Babson Jr. for Environment and Agriculture: The committee felt this bill was too restrictive, requiring those who wish to aerial spray to hold a public hearing on projects which may not go forward. It also required notification of projects 180 days in advance to allow time for public hearings. The committee felt the current 60 day requirement was adequate. Vote 16-2.

Adopted.

**HB 575**, authorizing the commissioner of the department of environmental services to accept environmental standards developed by the International Standards Organization (ISO) in place of certain permits and certification requirements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter R. Leishman for Environment and Agriculture: This bill, as amended, allows the commissioner of Department of Environmental Services to accept ISO 14000 certification if and when it is judged to ensure compliance with existing state standards. It also allows the department to research becoming an ISO registrar. Vote 18-0.

### Amendment (0491h)

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that the promulgation of the environmental management standards by the International Standards Organization (ISO 14000) is important for success in international trade, and that authority for a New Hampshire entity, either public or private, to certify managerial practices of private companies relative to ISO 14000 standards will be important to New Hampshire's competitive position internationally.

2 New Paragraph; Duties of Commissioner; International Environmental Management Standards. Amend RSA 21-O:3 by inserting after paragraph IX the following new paragraph:

X.(a) Have the authority to:

(1) Accept the international environmental management standards developed by the International Standards Organization 14000 series (ISO 14000).

(2) Determine, at the commissioner's discretion, whether ISO 14000 certification of certain entities ensures adequate compliance with existing standards or requirements established by the department.

(3) Investigate the possibility of seeking certification of the department as an ISO 14000 registrar.

(4) Disseminate information on the availability and benefits of ISO 14000 certification.

(b) File reports of the department's activities and recommendations for legislative action pursuant to this paragraph with the house environment and agriculture committee before July 1, 1998, and before July 1, 1999.

3 Repeal. RSA 21-O:3, X, relative to international environmental management standards, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2000.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill authorizes the commissioner of the department of environmental services to accept certain international environmental management standards developed by the International Standards Organization (ISO 14000), to disseminate information concerning ISO 14000 certification, and to investigate seeking certification of the department as an ISO 14000 registrar. The bill requires the commissioner to file reports with the house environment and agriculture committee.

Adopted.

Report adopted and ordered to third reading.

**CACR 18**, relating to references to the governor in the constitution. Providing that all references to the governor in the constitution shall be gender neutral. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This concurrent constitutional amendment, if approved by the legislature and 2/3 of those voting on the amendment, will make references to the governor gender neutral in the constitution. The committee heard from those who would make all references in the constitution gender neutral. That would be a major undertaking while this change applies only to the governor and it is appropriate to make this change at this time. Vote 17-0.

On a division vote, 300 members having voted in the affirmative and 32 in the negative, the report was adopted by the Constitutionally required three-fifths.

### SUSPENSION OF RULES

Rep. Wheeler moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **CACR 18**, relating to references to the governor in the constitution. Providing that all references to the governor in the constitution shall be gender neutral.

Adopted by the necessary two-thirds.

### MOTION ON CACR

Rep. Wheeler moved that **CACR 18**, relating to references to the governor in the constitution. Providing that all references to the governor in the constitution shall be gender neutral be read a third time and passed.

On a division vote, 303 members having voted in the affirmative and 26 in the negative, CACR 18 was adopted by the constitutionally required three-fifths.

### Third reading and final passage

**CACR 18**, relating to references to the governor in the constitution. Providing that all references to the governor in the constitution shall be gender neutral.

### REGULAR CALENDAR - PART II (CONT'D.)

**HB 562-FN-A**, imposing a tax on gambling winnings over \$5 to fund kindergarten and continually appropriating a special fund. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The sweepstakes commission already contributes more than \$53 million to education. The commission did not support further taxes as it would alter the odds in payouts. Much of the gambling revenues are from people who gamble regularly. This group is very sensitive to the odds, and reductions in payouts could lead to a decline in their participation and in revenue. The 12-9 vote reflects the desire of some members of the committee to re-refer this bill as a vehicle for some other revenue enhancements. The committee felt that, if necessary, other means were available. Vote 12-9.

Rep. McCann moved Recommit to Committee.

Rep. Vaillancourt spoke in favor and yielded to questions.

Reps. Weyler, Vaughn and Kurk spoke against.

Rep. McCann spoke in favor.

On a division vote, 121 members having voting in the affirmative and 217 in the negative, the motion failed.

Report adopted.

**HB 470**, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. **OUGHT TO PASS**

Rep. Patricia O'Keefe for Health, Human Services and Elderly Affairs: This bill would remove the prescription requirement to purchase syringes and it decriminalizes the possession of syringes. The Center for Disease Control (CDC) considers access to sterile syringes critical in the slowing of the spread of the HIV virus. New Hampshire is one of only 9 states that require such a prescription. This bill is supported by the Dept. of Health and Human Services, the New Hampshire Medical society, and former U.S. Surgeon General C. Everett Koop. Vote 12-5.

Rep. Emerton moved Recommit to Committee and spoke in favor.

Rep. Carson spoke in favor.

Adopted.

**HB 584-L**, relative to the duties of school nurses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: This bill provides school districts with the ability to hire licensed practical nurses and certified nursing assistants to work under the direct supervision of a registered nurse. It requires the Board of Nursing in consultation with the Department of Education to establish standards for currently licensed registered and practical nurses and certified nursing assistants' education and scope of practice in primary and secondary school settings. It also allows, with parental authorization, the possession and administration of epinephrine for the emergency treatment of anaphylaxis by licensed practical nurses employed or contracted by public school systems. Vote 17-0.

### Amendment (0194h)

Amend the bill by replacing all after the enacting clause with the following:

1 School Health Personnel. RSA 200:31 is repealed and reenacted to read as follows:

200:31 School Health Personnel. Any school board may employ or contract for their district a licensed practical nurse (LPN) or certified nursing assistant (CNA) who shall hold an unencum-

bered current license in New Hampshire, to work under the direct supervision of the school registered nurse in accordance with rules adopted under RSA 541-A, by the board of nursing, in the same building as the registered nurse (RN), who shall hold an unencumbered current license in New Hampshire.

2 Possession and Administration of Epinephrine. Amend RSA 318:42, VII-a to read as follows:

VII-a. The possession and administration, with written parental authorization, of flu vaccine, immunizations, and mantoux tests for the purpose of disease prevention and tuberculosis screening, and epinephrine for the emergency treatment of anaphylaxis by registered nurses employed or contracted by public school systems. *The possession and administration, with written parental authorization, of epinephrine for the emergency treatment of anaphylaxis by licensed practical nurses employed or contracted by public school systems.*

3 New Paragraph; Rulemaking Authority; Board of Nursing. Amend RSA 326-B:4-a by inserting after paragraph XV the following new paragraph:

XVI. In consultation with the department of education, establish standards for currently licensed registered and practical nurses and certified nursing assistants' education and scope of practice in primary and secondary school settings.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows licensed practical nurses to work in schools under the direct supervision of school registered nurses licensed in New Hampshire. It also allows licensed practical nurses to possess and dispense, with written parental authorization, epinephrine for treatment of anaphylaxis.

This bill is a request of the department of education.

Adopted.

Report adopted and ordered to third reading.

**HB 723-FN-A**, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover adults. **OUGHT TO PASS** Rep. Robert Foster for Health, Human Services and Elderly Affairs: This bill establishes a health care access corporation modeled after the successful Healthy Kids Corporation and allows Healthy Kids Corporation to cover adults. This bill creates a non-profit entity which offers subsidized health insurance coverage on a buy-in basis under Medicaid waiver to allow coverage to low and moderate income adults which are previously without health insurance. If medical waiver is approved, the Health Care Finance Administration will match individual premium payments for eligible persons. The bill will also allow for expanded coverage for children. Vote 16-0.  
Adopted and ordered to third reading.

**HB 385**, relative to reporting and registration requirements for lobbyists and employees of lobbyists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Amanda A. Merrill for Legislative Administration: This bill clarifies the requirements of the lobbyist reporting law and adds reporting requirements for employers of lobbyists. The bill is the result of work begun last session and continued through an interim study subcommittee. Vote 13-0.

#### Amendment (0571h)

Amend RSA 15:2, II as inserted by section 1 of the bill by replacing it with the following:

II. "Employer" means any person who engages the services of a lobbyist for compensation. Employer includes an organization which communicates through or uses the services of a lobbyist but shall not include a lobbying firm or a law firm providing lobbying services.

Amend RSA 15:6, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Total compensation paid to lobbyists to be reported in the following categories:

- (1) \$0 - 5,000;
- (2) \$5,001 - 10,000;
- (3) \$10,001 - 25,000;
- (4) \$25,001 - 50,000;
- (5) \$50,001 - 75,000;
- (6) \$75,000 - 100,000;
- (7) over \$100,000; and

Amend RSA 15:11 as inserted by section 1 of the bill by replacing it with the following:

15:11 Testimonial Privilege. No individual shall be excused from testifying in a proceeding instituted against another person under this chapter for the reason that the testimony might result in self-incrimination; but no testimony so given by the individual shall be used directly or indirectly as evidence against the individual in any prosecution, nor shall that individual be prosecuted for any offenses so disclosed.

Adopted.

Report adopted and ordered to third reading.

**HB 504-L**, relative to the property tax obligation for real estate used as rental housing by qualified nonprofit charitable organizations. RE-REFER TO COMMITTEE

Rep. Laura C. Pantelakos for Local and Regulated Revenues: The majority of the committee felt we should review this bill further as it deals with the issue of affordable housing. Vote 9-8.

Adopted.

**HB 556-L**, authorizing municipalities to refund a portion of fees for municipal registration permits. INEXPEDIENT TO LEGISLATE

Rep. Betsy McKinney for Local and Regulated Revenues: While the purpose of this bill is laudable, the sponsors acknowledged and the committee agreed that the sums of money that would be refunded if this bill became law were relatively small while the record-keeping required of town and city clerks would create an unnecessary and far greater administrative burden on local communities. The committee also believed this bill could create a problem with commercial registrations, and could be abused. Vote 10-3.

Adopted.

**HR 17**, relative to certain historical theaters in New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Ann N. Blanchard for Resources, Recreation and Development: This house resolution urges the state of New Hampshire, through the historical resources council in conjunction with the division of historical resources, to recognize the important cultural and economic significance of certain historic theaters through letters of commendation to the owners of such restored theaters. Vote 11-4.

#### Amendment (0497h)

Amend the resolution by replacing all after the title with the following:

Whereas, certain historical theaters in New Hampshire are of special cultural and artistic value; and

Whereas, these theaters are an irreplaceable part of New Hampshire's past; and

Whereas, the preservation of these theaters is a priority of the people of this state; and

Whereas, these theaters play a vital economic and cultural role in their respective communities and for the state as a whole; now, therefore, be it

Resolved by the House of Representatives:

That the state of New Hampshire, through the historical resources council in conjunction with the division of historical resources, recognize the important cultural and economic significance of our historic theaters through letters of commendation to the owners of such restored theaters including, but not limited to, the Palace Theater in Manchester, the Music Hall in Portsmouth, the Capital Center for the Arts in Concord, the Barn Theater in New London, the IOKA Theater in Exeter, the Colonial Theater in Keene, and the Claremont Opera House in Claremont.

#### AMENDED ANALYSIS

This house resolution urges the state of New Hampshire, through the historical resources council in conjunction with the division of historical resources, to recognize the important cultural and economic significance of certain historic theaters through letters of commendation to the owners of such restored theaters.

Adopted.

Report adopted and ordered to third reading.

**HB 238-FN**, requiring certain vehicles to travel only in the right-hand lanes on highways. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Leonard for Transportation: The committee feels that this is a safety concern issue. There are only 35 miles of three lane split highways in New Hampshire, and of those, there are many left turn exits. This creates a dangerous circumstance for merging vehicles. Vote 15-2. Adopted.

**HB 239**, requiring a child under 13 years of age to wear protective headgear when riding a bicycle. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: The committee feels strongly about safety and supports the concept of children's use of bicycle helmets. However, we also recognized that this bill is ill-conceived for several reasons: (1) Most children are already wearing them; (2) It is not enforceable, are we going to have the police confiscate bicycles? (3) The majority of the committee believes that this is a government intrusion into the personal lives of parents. Therefore, we believe that this bill is Inexpedient to Legislate. Vote 13-4. Adopted.

**HB 151-FN-L**, establishing comprehensive medical, physical and psychological standards for law enforcement officers. **OUGHT TO PASS WITH AMENDMENT**

Corrected Statement: Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill recommends psychological screening of final applicants for police positions beginning in 1999. It also recommends the same medical examination and physical fitness requirements for hiring part time police officers as currently exist for full-time officers beginning next year, and recommends that all police officers hired after January 1, 2001, have medical examination and physical fitness tests at three-year intervals during their careers. The bill grandfathers existing officers and will not result in any present officer losing their job because of this new requirement. The amendment requires the Police Standards and Training Council to notify local and county law enforcement agencies of any additional standards recommended by the council and states that those standards only take effect when the political subdivision approves them. Vote 17-0.

**Amendment (0559h)**

Amend the bill by replacing section I with the following:

I Statement of Purpose. The legislature finds that the public safety and welfare requires that persons serving as police officers and state corrections and probation-parole officers be physically and emotionally fit to perform the exacting and demanding essential tasks required of law enforcement officers. The legislature recognizes physical fitness as a necessary component to ensure that only reasonable and necessary force is used in making arrests and assuming and maintaining custody and control of prisoners and that officers must be capable of performing strenuous duties in search and rescue operations and subduing violent persons. The legislature further recognizes that requiring officers to maintain minimum fitness levels should minimize and reduce costs to the state, its political subdivisions and the New Hampshire retirement system due to excessive sick leave, worker's compensation claims, and disability retirements. The legislature further recognizes that police and corrections duties and the supervision of probationers and parolees should only be performed by officers who are free from inappropriate behavior traits. Therefore, it is in the best interests of the people of the state and its political subdivisions to request certain minimum medical and psychological standards for persons serving in these critical positions.

Amend RSA 188-F:27, III-i - III-l as inserted by section 3 of the bill by replacing them with the following:

III-i. A licensed physician, psychiatrist, psychologist, or person acting under the licensee's supervision, whose examination administered under this chapter results in an employment decision adverse to a police, corrections, or probation-parole officer shall be immune from suit resulting from such examination or decision, providing such examination is conducted in good faith, not in a wanton or reckless manner.

III-j. To the extent required to comply with federal or state law, the council may grant a waiver, with respect to employment at a specific agency, to an officer who cannot meet the standards in paragraphs III-d - III-g.

III-k. Nothing in this section shall prevent individual hiring agencies from adopting physical fitness programs for their officers that are more stringent or frequent than those required in this section.

III-l. Except as provided in paragraph III-h and notwithstanding other provisions of law to the contrary, a hiring authority may assess a testing fee to cover all or part of the cost of any medical or psychological examination in cases where the person has been given a conditional offer of employment. A hiring authority may also make repayment of a testing fee part of any training or hiring contract that establishes a minimum term of employment for such an officer.

Amend the bill by replacing all after section 3 with the following:

4 Applicability. On or before July 1, 1998, the police standards and training council shall notify each affected local and county law enforcement agency as to those provisions of RSA 188-F:27, III-j through III-l, that assign additional standards. Such standards shall take effect in those localities when they are approved for funding by the legislative body of the political subdivision.

5 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

6 Effective Date. This act shall take effect January 1, 1998.

### AMENDED ANALYSIS

This bill requires that all part-time and full-time police officers, state corrections officers, and probation parole officers meet certain medical, physical and psychological standards established in rules adopted by the police standards and training council, subject to the approval of the employing political subdivision.

This bill is a request of the department of postsecondary technical education.  
Adopted.

Rep. Hansen offered a floor amendment.

### Floor Amendment (0691h)

Amend the bill by replacing section 4 with the following:

4 Applicability. On or before July 1, 1998, the police standards and training council shall notify each affected local and county law enforcement agency as to those provisions of RSA 188-F:27, III-a through III-l, that assign additional standards. Such additional standards shall take effect in those localities only if they are approved for funding by the political subdivision.

Rep. Welch spoke in favor.

Adopted.

Report adopted and referred to Finance.

**HB 569-FN-A-L**, creating a New Hampshire securities transfer excise tax and a continually appropriated fund. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: The proposal would impose a tax on the sale of stocks, bonds, futures, and other financial securities and return the proceeds to property tax payers on the basis of household income. The committee believes that the imposition of this tax and the distribution of its proceeds could likely be considered unconstitutional due to the requirement that revenues be distributed according to certain "brackets" of household income. Additionally, it was also feared that the proposal could have a significantly negative impact on the decision by various mutual fund companies which have decided to, or are in the process of, relocating their operations to New Hampshire. Vote 21-0.

Rep. Hemon spoke against.

Rep. Alukonis spoke in favor.

Adopted.

### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Hemon requested that his protest be entered on the Journal.

Madam Speaker and members of the House: Lend me your ears for I wish to reveal to you a very well kept secret. All of this talk about crisis in the budget and of mounting deficits and impending financial doom for the state, stated here, in the media and everywhere is pure propaganda and false. The real and true state of affairs is where there is no will, there is no way. HB 569 is the way, which has been scuttled by the forces of Wall Street and their agents.

HB 569 proposes a securities excise tax which aims directly at Wall Street and its' agents activities in siphoning the wealth of this state and nation to fund wild speculation and activities of this market that have little basis in fact, and a very heavy basis in mob psychology reminiscent of the frenetic '20s leading to the 1929 crash, (today they call them euphemistically, corrections) and the subsequent Depression.

This tax which is not a sales tax or an income tax, has the possibility of yielding from the transfer of stocks alone some \$193 million per year. Add to this the possibilities of derivatives, future, options, swaps and whatever else the fecund human mind can invent as a financial instrument, we could be looking at \$500 million and more per year. As the bill is written, the money would be distributed so as to relieve the heavy property tax burden of the people of this state by taking money from the wealthy and well-off, who already have too much of this nation's wealth, and always think that they deserve more by right. The Finance Committee thought it was unconstitutional to relieve the poorer elements of the population as opposed to the wealthier. In other words, HB 569 discriminates against the rich. How deplorable. The rich, who are rich because they have by one means or another appropriated ever larger amounts of the nation's wealth are being deprived of yet another windfall thus depriving them of yet another opportunity to get richer. How sad. HB 569 is indeed a deplorable bill for this reason. At least, that is what the blurb seems to be saying. We cannot help the poorer elements of the people, because we are denying equal opportunity to the rich. The Finance Committee, in its blurb, states that the distribution plan as found in the bill could likely be considered unconstitutional. They did not say it was unconstitutional, only it could likely be unconstitutional. The blurb reveals something that is not likely unconstitutional, but is unconstitutional. The blurb says, and I quote: "Additionally, it was also feared that the proposal could have a significantly negative impact on the decision by various mutual fund companies which have decided to, or are in the process of, relocating their operations in New Hampshire." Are these outsiders supposed to be determining New Hampshire taxing policies? Or are the sovereign people of the state of New Hampshire the masters of their own destiny, captains of their own ship of state? The Finance Committee by kow-towing to these outsiders seems to be answering the first of these questions with a positive yes; the outsiders should determine our taxing policies. The Finance Committee by kow-towing to these outsiders seems to be answering the second of these questions with a negative, no; we the people are not masters of our own destiny nor are we captains of our own ship of state. I hope, that this House will disagree with this policy statement of the Finance Committee.

Article 10, Part I of the New Hampshire Constitution: "Government being instituted for the common benefit, protection, and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men..." Or class of men. Mutual fund companies, for instance? Showing preference to foreign, outside entities over those of our local constituents and the sovereign people of New Hampshire is not good government. How do these mutual fund companies, Merrill Lynch, Dean Witter, etc., make money? Through fees and commissions, of course. And are not these fees and commissions a securities transfer excise tax by another name? In other words, those who buy or sell securities pay a securities transfer tax to those various corporate entities who broker the transfer. Why should these corporate entities be able to tax securities transfer of any kind, and the government on the other hand be denied this source of income to be used for the general welfare instead of private gain? Such denial is without foundation, and is quite arbitrary, unreasonable, and disgraceful, considering the great benefits to be derived by the people of this state. Article 10, Part I of the New Hampshire Constitution defines this kind of an act namely, HB 569, as good government; a kind of act for which governments are instituted. Money is money.

If the Finance Committee did not like the idea of property tax relief, the money raised could have been used for other purposes. For instance, Public Service and Northeast Utilities are again giving the people of this state a hard time, even threatening bankruptcy. With the amount of money the securities transfer tax could generate, we the people could buy Public Service and the Northeast Utilities interest and produce and distribute our own electricity without taking sass from anyone. Public Service and Northeast Utilities are expendable, and the securities transfer tax can make this a reality. This possible revenue source deserves more consideration and study than it has received. A possible \$500 million per year income should not be ignored. The committee recommendation of ITL should be defeated in order that a substitute motion to Re-refer may be entered. Thus, the Finance Committee or Sub-committee thereof could study the tax more carefully after the current hurly-burly is over and time for leisurely study is at hand. Thank you.

## VACATES

Reps. Metzger and Musler moved that the House vacate the reference to the Committee on Municipal and County and Government on **SB 30**, relative to time of dog licensure and **SB 32**, relative to dogs at large.

Adopted and referred to the Committee on Environment and Agriculture.

## RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 18, 1997 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 190**, relative to interstate banking and branching.

**HB 442**, requiring insurers to cover certain costs associated with reconstructive surgery after a mastectomy.

**HB 498-FN-A**, recognizing the New Hampshire Farm Museum in Milton, New Hampshire as the first official state of New Hampshire farm museum.

**HB 737-FN-L**, establishing a committee to study the New Hampshire retirement system relative to redefining earnable compensation.

**HB 704**, relative to provisional licenses for manufacturers of beverages and requiring approval of the source of water used to manufacture beverages.

**HB 688-FN-A**, establishing a committee to study all investigations of the late John C. Fairbanks and other members of the legal profession.

**HB 769-FN**, relative to unemployment compensation.

**HB 687**, establishing an Alan B. Shepard park commission.

**HB 698**, relative to the oil discharge and disposal cleanup fund, the fuel oil discharge cleanup fund, and the motor oil discharge cleanup fund.

**HB 412**, relative to motor carrier safety rules and repealing certain obsolete statutes relating to motor vehicles.

**HB 589-FN**, removing a common carrier exemption.

**HB 340**, relative to the real estate commission and its licensing and bonding requirements.

**HB 187-FN-A**, relative to groundwater monitoring for pesticides.

**HB 191**, reducing the number of categories of pesticides from 3 to one.

**HB 567-FN-L**, relative to administration of vital records.

**HB 690**, establishing a long-term care institute.

**HB 718**, changing that which constitutes the practice of medicine.

**HB 792-FN-L**, prohibiting trusts and other legal devices from being used to shelter wealth for the purposes of medicaid eligibility.

**HB 566-FN-A-L**, relative to the applicability of the property tax to electric plants and pipelines.

**HB 536**, requiring certain dam owners to develop emergency action plans, prohibiting the construction of any dam without a permit, and clarifying the process for issuing orders for dam repair.

**HB 671-A**, establishing a committee to study the organization, structure, and administration of the department of fish and game, and making an appropriation therefor.

**HB 136**, relative to the division of fire standards and training and the fire standards and training commission.

**HB 367-FN-L**, requiring notification to parents when a minor violates the tobacco laws.

**HB 386**, relative to the definition of "suitable person" for purposes of licensing a suitable person to carry a loaded pistol or revolver.

**HB 416**, relative to sentencing for juvenile delinquents.

**HB 462-FN**, requiring the department of safety to inform persons under 21 years of age of the DWI laws.

- HB 808**, changing the optional term of the school district clerk, moderator, and treasurer.
- HB 372**, relative to age requirements for assistant election officials.
- HB 430**, relative to registration of political committees and to political expenditures and contributions.
- HB 481**, relative to financial reporting requirements for political candidates.
- HB 596-FN**, repealing certain laws relative to bribery or intimidation of voters.
- HB 447**, eliminating the grandfather clause for licensure of professional engineers.
- HB 516-FN**, increasing the fuel oil discharge cleanup fund fee.
- HB 714**, deleting certain duties of the secretary of state relative to the state treasurer's insurance bond and accounts of bonds issued by the state treasurer.
- HB 746-FN**, relative to fees collected by the insurance department.
- HB 426**, establishing a committee to study the rules and regulations regarding the administration of medications in long-term care facilities.
- HB 472**, establishing the council for children and adolescents with chronic health conditions.
- HB 351-L**, limiting the total of tax deferrals for the elderly and disabled on a particular property to a percentage of its equity value.
- HB 399-L**, changing the name of the optional property tax exemption for the totally and permanently disabled.
- HB 636-L**, relative to facilitating the transfer of contaminated property acquired by a municipality to a buyer eligible to participate in the brownfields program.
- HB 648-L**, establishing a local option fee for local or regional transportation improvements.
- HB 380-L**, relative to the sale of town-owned property.
- HB 468-L**, eliminating a requirement that registers of deeds keep original copies of officers' returns of attachments and writs of execution on file permanently.
- HB 708**, extending the reporting date for the committee studying the issues surrounding the definition of "facility" for the purposes of eligibility for certain property tax exemptions.
- HB 534**, establishing a committee to study the New Hampshire highway and bridge infrastructure.
- HB 181**, prohibiting the sale or distribution of exotic aquatic weeds and increasing certain fees.
- HB 257**, offering priority to qualified veterans for participation in training programs funded by the state or federal government.
- HB 415**, establishing a nighttime speed limit for OHRVs traveling on the frozen surface of Back Lake in the town of Pittsburg.
- HB 586**, changing the expiration date of OHRV registrations.
- HB 695**, establishing a committee to study the educational requirements of student drivers.
- HB 797**, requiring emergency vehicles to stop for school buses, and requiring the use of both audible and visual emergency signals, in certain circumstances.
- HB 241**, relative to genetic testing.
- HB 102-L**, relative to school employee background investigations.
- HB 379-FN**, requiring all candidates for speaker of the house or senate president to file certain reports of contributions and to register as political committees.
- HB 417**, relative to ballot certification for political parties and choosing certain party candidates by caucus or convention.
- HB 546**, relative to the form of the presidential primary election ballots.
- HB 575**, authorizing the commissioner of the department of environmental services to accept environmental standards developed by the International Standards Organization (ISO) in place of certain permits and certification requirements.
- HB 584-L**, relative to the duties of school nurses.
- HB 723-FN-A**, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover adults.
- HB 385**, relative to reporting and registration requirements for lobbyists and employees of lobbyists.
- HR 17**, relative to certain historical theaters in New Hampshire.

### UNANIMOUS CONSENT

Rep. Guay addressed the House.

**RECESS MOTION**

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:25 p.m.

**RECESS**

**(Rep. Dunn in the Chair)**

**RESOLUTION**

Rep. Baroody offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 66, 75, 80, 100, 144, 161 and 212 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 66**, allowing a state resident to obtain a license for a pistol or revolver for life. (Criminal Justice and Public Safety)

**SB 75-FN**, regulating beer festivals and requiring beer festival promoters to obtain a single event license for a fee from the liquor commission to hold a beer festival. (Local and Regulated Revenues)

**SB 80-FN-A**, excluding certain transfers from payment of the real estate transfer tax. (Finance)

**SB 100-FN**, establishing a New Hampshire film and television commission. (Commerce)

**SB 144**, establishing a committee to study certain issues regarding Silver Lake in the towns of Belmont and Tilton. (Resources, Recreation and Development)

**SB 161-FN-A**, relative to the Seacoast Science Center and making an appropriation therefor. (Resources, Recreation and Development)

**SB 212-FN**, declaring a member of the retirement system on leave under the Family and Medical Leave Act to be in service for purposes of death or disability benefits. (Executive Departments and Administration)

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 12

Tuesday, March 18, 1997

The House assembled at 10:00 a.m, the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Almighty God, whose ways are not our ways and whose thoughts are not our thoughts, intercede for us with sighs even deeper than words. When we are anxious, grant us Your peace; when we are at odds with each other, show us the way to reconciliation; when daily struggles darken Your designs, make us persistent in seeking Your will; so that through our fragile lives, we may nevertheless reveal to the world something of Your grace and glory. Amen.

Rep. Hall led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. George Brown, Felch, Feng, Beverly Gage, Morello, O'Connell, O'Rourke, Packard, Paul Taylor and Vincent, the day, illness.

Reps. Abbott, Ameen, Aranda, Channing Brown, Chase, Franks, Lynde, Manning, McRae, Pilliod, Rubin, Kathleen Taylor, Veazey and Verani, the day, important business.

Rep. Baroody, the day, illness in the family.

### INTRODUCTION OF GUESTS

Ann Conceison and Mary Stipe, guests of Rep. Fields. Rose and Meredith Michaud and Sharon, Kristen and Karen Schierer, guests of Reps. Thomas and Kathleen Colburn. P. J. Messier, guest of Rep. Carol Moore. Elijah Colby, son of Rep. Patricia Krueger. Helen Holbrook, wife of Rep. Holbrook. Denise Costello, guest of Rep. Wallin.

### COMMITTEE ASSIGNMENT

Rep. Battles-Peirce, on Legislative Administration; off Judiciary and Family Law.

### VACATE

Rep. Kurk moved that the House vacate the reference to the Committee on Finance of **SB 94**, relative to the financing of the New Hampshire civic center commission.

Adopted and referred to the Committee on Commerce.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 640**, establishing a committee to examine the feasibility of establishing a state of the art meteorological center at the former Pease Air Force Base, removed by Rep. Varrell.

**HB 118**, relative to penalties for marijuana possession, removed by Rep. Robertson.

**HB 329**, repealing the fireman's rule, removed by Rep. Mirski.

**HB 439**, establishing a procedure for reporting on abortions, removed by Rep. Adams.

**HB 549**, relative to service-connected military or coast guard disability compensation in the determination of alimony or separate maintenance, removed by Rep. Varrell.

**HB 550**, relative to certain social security disability compensation in the determination of alimony or separate maintenance, removed by Rep. Varrell.

**HB 568**, relative to the oath of office for attorneys and the penalty for failure to fulfill the oath, removed by Rep. Hemon.

**HB 635**, relative to a limitation on liability for emergency medical care providers, removed by Rep. McGough.

**HB 198**, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction, removed by Rep. Hess.

**HR 13**, recognizing Bob Dole's many years of public service and dedication to our country, removed by Rep. Vaillancourt.

**HCR 11**, relative to the preservation and revitalization of New Hampshire's rail-based corridors of commerce, removed by Rep. Below.

Consent Calendar adopted.

**HB 327**, relative to pledges for loans, finance charge disclosure statements, and debt adjusters. **OUGHT TO PASS WITH AMENDMENT**

Rep. David T. Mittelman for Commerce: This bill as amended requires pawnbrokers who accept more than four motor vehicle titles to comply with Truth in Lending provisions. The bill also clarifies certain financial disclosure requirements and limits a nonprofit debt collection exemption to charitable entities. Vote 10-0.

#### Amendment (0685h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to pledges for loans, finance charge disclosure statements, debt adjusters, and consumer credit transactions.

Amend RSA 398:2, II as inserted by section 1 of the bill by replacing it with the following:

II. In excess of 4 motor vehicles or titles to motor vehicles, as defined in RSA 361-A:1, V; Amend the bill by replacing all after section 3 with the following:

4 Clarification; Statutory Rate of Interest on Business Transactions. Amend RSA 336:1, I to read as follows:

I. The annual rate of interest in all business transactions in which interest is paid or secured, unless otherwise agreed upon in writing, shall equal 10 percent. *No consumer credit transaction, as defined in RSA 358-K:1, V, shall be subject to this paragraph. If agreed upon in writing, interest on business transactions may include charging other than simple interest.*

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill prohibits certain pledges as security for loans; authorizes a finance charge disclosure statement which is in conformity with Federal Reserve Board regulations for consumer credit transactions; and limits an exemption from regulation for nonprofit organizations offering debt adjustment services.

The bill clarifies that consumer credit transactions are not subject to the statutory rate of interest on business transactions.

**HB 334**, establishing guidelines for assessing the eligibility of certain providers for third party reimbursement. **OUGHT TO PASS**

Rep. Keith R. Herman for Commerce: This bill is the result of work done last session by members of the commerce committee. The intent of the legislation is to create some consistency in determining eligibility to receive third party reimbursement. The process to date has been extremely arbitrary. While these guidelines in no way mandate or guarantee third party reimbursement eligibility, it should allow future legislators to better judge the merits. Vote 10-0.

**HB 370**, updating and making technical corrections in certain banking laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. David T. Mittelman for Commerce: This bill as amended primarily clarifies existing regulatory authority and updates certain citation references within the banking statutes. These technical changes reflect the modern needs and practices of both the industry and the Banking Department. Vote 16-0.

#### Amendment (0688h)

Amend the bill by replacing all after section 5 with the following:

6 Petition. RSA 388:1 is repealed and reenacted to read as follows:

388:1 Petition. Any state-chartered savings bank, building and loan association, cooperative bank, or trust company, by vote of a majority of its members if it is a mutual institution or by vote of a

majority of the holders of its voting stock if it is a stock institution, and any other state-chartered banking institution or any national bank or federally chartered savings association or bank, by the same vote, may apply by petition to the superior court in the county in which either of the institutions is located for a decree authorizing a union of such institutions by merger or consolidation. The superior court may authorize any appropriate action relating to the merger or consolidation, including without limitation, the organization of any corporation for consolidating such institutions and the dissolution of such of them as are to be liquidated in the consolidation.

7 Power to Merge and Consolidate. Amend RSA 393:55 to read as follows:

393:55 Power to Merge or Consolidate. Cooperative banks, savings and loan associations, *and* building and loan associations [*and mutual savings banks*] organized under the laws of this state may merge or consolidate [*with one another and transfer their engagements, funds and property to one another with the written approval and upon terms prescribed by the bank commissioner, pursuant to the procedure as follows:*

I. That the governing bodies of the corporations involved approve the merger or consolidation, its terms and conditions by a majority vote of those present and voting at a regular meeting or a special meeting called for that purpose:

II. That the voters of the corporations approve the merger or consolidation by majority vote of those present and voting at the annual meeting or at a special meeting called for that purpose; provided that:

(a) Notice of the meeting and the purpose for which it is held is mailed to all the eligible voters at their last known address as shown on the books of the corporations at least 14 days prior to the meeting:

(b) Notice of the meeting shall have been published once a week for 3 successive weeks in one of the newspapers published in the municipalities where the corporations' principal offices are located, if any, otherwise in such newspapers as the commissioner may order, the last notice published at least 14 days prior to the date of the meeting named in the call:

III. The reorganized cooperative bank, association or mutual savings bank shall be liable for all obligations existing prior to such merger or consolidation and may retain and service all accounts lawfully held by it on the date of such consolidation or merger:

IV. The merger or consolidation shall not prejudice the right of any creditor of any of the corporations involved therein to have payment of his debt out of the assets thereof, nor shall any creditor be thereby deprived of, or prejudiced in, any right of action then existing against the officers or directors of said corporations for any neglect or misconduct:

V. The terms and conditions of the merger or consolidation shall be set forth in an agreement signed by the duly authorized officers of the corporations and under their respective seals and shall provide for the mode of carrying the same into effect, when the merger or consolidation shall be effective, the manner of converting the savings capital and accounts of one corporation into the savings capital and accounts of the other corporation, together with such other provisions and details as shall be necessary to perfect the merger or consolidation:

VI. After the meetings of the voters of the corporations as provided for have been held, then that fact shall be certified on said agreement by the secretaries of the corporations, and the original and sufficient duplicate originals of the agreement so signed, adopted and certified, shall be forwarded to the commissioner for his approval or disapproval, one copy to be forwarded to each corporation. If approved, a copy thereof, certified by the commissioner, shall be filed in his office within 60 days after the day of the meeting at which said agreement was adopted by the voters of the corporations. From the time of filing the copy of such agreement with the commissioner, said agreement shall thenceforth be taken and deemed to be the agreement and act of merger or consolidation of said constituent corporation for all purposes of the laws of this state] *in accordance with the procedures and requirements set forth in RSA 388.*

8 Fidelity Bond Coverage. RSA 383:14 is repealed and reenacted to read as follows:

383:14 Fidelity Bond Coverage.

I. Each institution under the supervision of the commissioner shall purchase fidelity bond coverage for protection or indemnity against losses from dishonest or criminal acts of officers, employees, and agents of the institution, and acts such as robbery, burglary, or forgery by persons not associated with the institution.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to fidelity bond coverage for the protection and indemnity of financial institutions under the commissioner's supervision.

9 Irregularities. RSA 384:12 is repealed and reenacted to read as follows:

384:12 Irregularities. A clerk neglecting to give such notification to the bank commissioner or giving a false notification or knowingly giving or causing to be given a notice containing the name of a person who has not taken the oath of office shall be fined \$100.

10 New Section; Interim Banks. Amend RSA 384 by inserting after section 63-a the following new section:

384:63-b Interim Banks. Notwithstanding any other law to the contrary, if a state-chartered stock savings bank, stock building and loan association, stock cooperative bank, or trust company is organized on an interim basis for the sole purpose of effecting either a reorganization of a state-chartered stock savings bank, stock building and loan association, stock cooperative bank, or trust company into a holding company structure or the acquisition of another banking institution by a bank holding company or savings and loan holding company, the holding company may organize and be the sole incorporator of such interim state-chartered bank, and only such persons who will serve as directors, trustees, or executive officers of the resulting bank who are not already serving as directors, trustees, or executive officers of the existing bank will be required to submit personal and financial information to the bank commissioner for review pursuant to applicable rules and regulations.

11 Repeal. RSA 393:55-a, relative to the power of federal savings and loan associations to merge with certain state banking associations, is repealed.

12 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill updates certain banking laws to comply with recently enacted federal laws and regulations and makes technical corrections.

**HB 376**, relative to prescription drug copayments required by insurance companies and relative to filling prescription drug prescriptions. INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: This bill would have prohibited insurance companies from recovering the additional cost of brand name medication when many prescriptions are not available in generic equivalents, which is clearly unfair. Vote 11-0.

**HB 404**, establishing a committee to study providing universal catastrophic health coverage by establishing a statewide catastrophic risk pool. OUGHT TO PASS

Rep. Anthony Syracuse for Commerce: The full commerce committee discussed this bill as a committee of the whole. No one spoke in opposition. The Commissioner of Health and Human Services and the NH Insurance Department are in support of the bill. The concept of a statewide catastrophic risk pool may provide an opportunity to keep rates down. Vote 9-2.

**HB 409**, requiring nonprofit educational organizations and certain hospitals to file certain forms with the director of charitable trusts. RE-REFER TO COMMITTEE

Rep. David T. Mittelman for Commerce: The committee addressed the subject matter of this bill in HB 161. Re-referral will allow study of lingering issues relative to charitable trusts. Vote 9-2.

**HB 410**, allowing mental health counselors and marriage and family therapists to obtain third party payments for services rendered which would otherwise qualify for such payments. RE-REFER TO COMMITTEE

Rep. Keith R. Herman for Commerce: The committee has dealt with this issue many times over the past few years. Each time, it has denied the request for mental health counselors and marriage & family therapists from receiving third part reimbursement. The committee has received no new information regarding the merits of mandating reimbursement. This year the committee feels it is important to look into the process by which the legislators license health providers and grant third party reimbursement eligibility to those providers. Currently, two house committees deal with these issues separately. The intent of the committee is to look into this process over the summer. Vote 8-3.

**HB 449**, regulating the self storage industry INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce: The Uniform Commercial Code in our statutes already provides adequate remedy, as well as other sections of law referring to the rights of landlords and abandoned property. Vote 13-1.

**HB 451**, providing that health care providers shall determine the appropriate course of patient treatment RE-REFER TO COMMITTEE

Rep. Keith R. Herman for Commerce: While the subcommittee did not feel that HB 451 should pass in its current form, it did recognize the growing concerns over how NH citizens are receiving medical care. This bill provides a mechanism in which practical and philosophical discussion can take place on the merits and problems of our current health care delivery mechanism. The committee unanimously feels that these issues need further work. Vote 13-0.

**HB 453**, relative to the bank commissioner's regulation of sales finance companies and retail sellers. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: This bill as amended makes technical changes to laws relative to retail sellers (i.e., automobile dealers) and sales finance companies (i.e., automobile financiers). In essence, HB 453 prohibits certain fraudulent activities and provides the Banking Department with greater power and flexibility to enforce existing laws. Vote 14-1.

### Amendment (0697h)

Amend the bill by replacing all after section 3 with the following:

4 Definition; "Sales Finance Company." Amend RSA 361-A:1, XI to read as follows:

XI. "Sales finance company" means a person engaged, in whole or in part, directly or indirectly in the business of providing financing to one or more retail buyers, or in the business of purchasing retail installment contracts from one or more retail sellers. The term includes but is not limited to a *savings* bank, trust company, *credit union*, *cooperative bank*, finance company, lending agency, industrial bank, or investment company, if so engaged. The term does not include the pledgee of an aggregate number of such contracts to secure a bona fide loan thereon, *nor does it include a retail seller who (1) makes a retail installment contract and assigns such contract either within 5 business days, if the contract requires monthly payments, or within 2 business days, if the contract requires payments more frequently than monthly, of the contract's execution by the retail buyer and retail seller, or (2) makes 4 or fewer retail installment contracts in any year or has 4 or fewer retail installment contracts outstanding at any time, the aggregate outstanding principal balance of which does not exceed \$10,000 at any time; or (3) makes retail installment contracts to employees for the purchases of motor vehicles solely from the retail seller employer.*

5 Licensing Requirements; Retail Sellers and Sales Finance Companies. Amend RSA 361-A:2, to read as follows:

I. No person shall engage in the business of a sales finance company or retail seller in this state without a license therefor as provided ~~herein~~ *in this chapter*. No *savings* bank, trust company, *credit union*, *cooperative bank*, or industrial bank shall be required to obtain such license but shall comply with ~~all of~~ the ~~other~~ provisions of ~~this chapter~~ *RSA 361-A:8-10, unless otherwise exempted in this chapter.*

6 New Paragraph; Licensing Requirements; Retail Sellers and Sales Finance Companies. Amend RSA 361-A:2 by inserting after paragraph II the following new paragraph:

II-a. Sales finance company license applicants shall at the same time file with the commissioner a \$25,000 surety bond to the state for the use of the state and any person who may have a cause of action against the principal in the bond under the provisions of this chapter, and conditioned that the principal will conform to and abide by each provision of this chapter and will pay to the state and to any such person any sum that may become due or owing under this chapter from the principal of the bond to the state or to such person. Recovery against the bond may be made by the state after due notice and hearing in accordance with the provisions of RSA 541-A, and by any such person who may have obtained a final judgment in a court of competent jurisdiction naming said principal. The surety bond shall include a provision requiring the surety to give written notice to the commissioner 10 days in advance of the cancellation or termination of the bond. A separate bond shall be required for each different name under which a sales finance company conducts its business in this state.

7 Licensing Requirements; Retail Sellers and Sales Finance Companies. Amend RSA 361-A:2, V(a) to read as follows:

V.(a) Upon the filing of the application for a sales finance company license and payment of the required fee, if the bank commissioner determines that the applicant's financial resources and responsibility, experience, personnel, and record of past or proposed conduct warrant the public's

confidence and that the business will be operated lawfully, honestly, and fairly within the purposes of this chapter, the bank commissioner shall enter an order approving such application and shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of this chapter. Each *sales finance company* license shall expire on December 31 of each calendar year, *and each retail seller license shall expire on April 30 of each calendar year*. No sales finance company licensee shall transact any business provided for by this chapter under any other trade names unless the licensee holds a separate license for the business conducted under the other trade name.

8 Rulemaking. Amend RSA 361-A:2, VI to read as follows:

VI. The bank commissioner ~~[shall]~~ *may* adopt rules, pursuant to RSA 541-A, relative to ~~[licensing under this section]~~ *the administration and enforcement of this chapter*.

9 New Paragraph; Annual Report; Penalties for Failure to Disclose or Underdisclosure. Amend RSA 361-A:2-b by inserting after paragraph IV the following new paragraph:

V. A licensee who files an annual report under this section which fails to disclose or materially underdiscloses retail installment contracts made during the reporting year may, after opportunity for hearing pursuant to RSA 541-A, be subject to a fine of not more than \$1,000 and to license revocation or suspension pursuant to RSA 361-A:3.

10 Suspension or Revocation of Licenses. Amend RSA 361-A:3, I(b) to read as follows:

(b) Willful failure to comply with any provision of this chapter ~~[relating to retail installment contracts]~~;

11 New Section; Cease and Desist Orders. Amend RSA 361-A by inserting after section 3 the following new section:

361-A:3-a Cease and Desist Orders. Whenever the commissioner has reasonable cause to believe that any person is engaging in the business of a sales finance company or retail seller without obtaining a license as provided in this chapter, the commissioner may, in addition to all actions provided for in this chapter, enter an order requiring such person to cease and desist from such violation. If any person refuses to obey such order, an action may be brought by the commissioner or by the attorney general on the commissioner's behalf in any superior court in this state to enjoin such person from engaging in or continuing such violation or from doing any act or acts in furtherance of such violation. In any such action, an order or judgment may be entered awarding a temporary or permanent injunction, and awarding the commissioner or the attorney general or both costs in bringing such action. The court shall have the power to enforce obedience to such injunction, in addition to all the court's customary powers, by a fine not exceeding \$10,000 or by imprisonment, or both.

12 Fine Increased; Powers of Bank Commissioner. Amend RSA 361-A:5 to read as follows:

361-A:5 Powers of Bank Commissioner. The bank commissioner shall have the power to issue a subpoena to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence before ~~[him]~~ *the commissioner* in any matter over which ~~[he]~~ *the commissioner* has jurisdiction, control or supervision pertaining to the provisions of this chapter. ~~[He]~~ *The commissioner* shall have the power to administer oaths and affirmation to any person whose testimony is required. If any person shall refuse to obey any such subpoena or to give testimony or to produce evidence as required thereby, any justice of the superior court may, upon application and proof of such refusal, order the issuance of a subpoena, or subpoena duces tecum, out of the superior court, for the witness to appear before the superior court to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of the superior court, the clerk shall issue such subpoena, as directed, requiring the person to whom it is directed to appear at the time and place therein designated. If any person served with any such subpoena shall refuse to obey the same, and to give testimony, and to produce evidence as required thereby, the bank commissioner may apply to any justice of the superior court who, after proof of such refusal, shall issue such citation, directed to any sheriff, for the arrest of such person, and, upon ~~[his]~~ *such person's* being brought before such justice, proceed to a hearing of the case. The ~~[justice]~~ *court* shall have power to enforce obedience to such subpoena, and the answering of any question and the production of any evidence that may be proper, by a fine not exceeding ~~[\$100]~~ *\$10,000* or by imprisonment ~~[in the county jail]~~, or by both.

13 Assistants; Payment. Amend RSA 361-A:6 to read as follows:

361-A:6 Assistants. For the enforcement of the provisions ~~[hereof]~~ *of this chapter*, the bank commissioner is authorized to appoint, subject to the provisions of the personnel law, such per-

sonnel as are necessary. The salary, traveling expenses, and all expenses of administration and enforcement of the provisions ~~[hereof]~~ *of this chapter* shall be paid out of fees received from licenses issued ~~[hereunder]~~ *under this chapter, and funds collected pursuant to RSA 383:11.*

14 Examinations. Amend RSA 361-A:6-a, II to read as follows:

II. The affairs and records of every sales finance company licensee or person shall be subject at any time to periodic, special, regular, or other examination by the banking department with or without notice to the licensee *or person. Those licensees or persons that maintain their files and business documents in another state shall appoint a New Hampshire agent and shall return such files and documents to their principal New Hampshire office or the office of their New Hampshire agent for examination no later than 21 calendar days after being requested to do so by the banking department. Failure to provide files and documents within the time established by this paragraph shall subject a licensee or person to a fine of \$50 per day for each day after 21 days the files and documents are not produced. Failure to provide files and documents within 60 days after being requested to do so by the banking department shall be sufficient cause for license revocation, suspension, or denial.*

15 Requirements; Retail Installment Contracts. Amend RSA 361-A:7, I to read as follows:

I.(a) A retail installment contract shall be in writing, shall be signed by ~~[both]~~ the buyer and *(1) for direct loans, the sales finance company; or (2) for indirect loans,* the seller and shall be completed as to all essential provisions or by memorandum as provided in paragraph VI prior to the signing of the contract by the buyer.

(b) The printed portion of the contract, other than instructions for completion, shall be in at least 8 point type. The contract shall contain in a size equal to at least 10 point bold type: A specific statement that liability insurance coverage for bodily injury and property damage caused to others is not included, if that is the case, and the following notice: "Notice to the Buyer: 1. Read this contract before signing. 2. You are entitled to an exact copy of the contract you sign."

(c) The seller shall, *for an indirect loan, or the sales finance company shall, for a direct loan,* deliver to the buyer, or mail to ~~[him]~~ *the buyer* at ~~[his]~~ *the* address shown on the contract, a copy of the *signed* contract ~~[signed by the seller]~~ *buyer*. Until the seller *or sales finance company* does so, a buyer who has not received delivery of the motor vehicle shall have the right to rescind ~~[his]~~ agreement and to receive a refund of all payments made and return of all goods traded in to the seller on account of or in contemplation of the contract, or if such goods cannot be returned, the value thereof. Any acknowledgment by the buyer of delivery of a copy of the contract shall be in a size equal to at least 10 point bold type and, if contained in the contract, shall appear directly above the buyer's signature.

(d) The contract shall contain the names of the seller and the buyer, *if an indirect loan, or the names of the sales finance company and the buyer, if a direct loan;* the place of business of the seller, *if an indirect loan, or the sales finance company, if a direct loan,* the legal residence or place of business of the buyer as specified by the buyer and, *for an indirect loan,* a description of the motor vehicle including its make, year model, model and identification numbers or marks. *For a direct loan, the sales finance company shall retain in the loan file a copy of the purchase and sales agreement between the buyer and the seller that contains a description of the motor vehicle that is substantially similar to the description required in the contract for an indirect loan.*

16 Time Balance Installments. Amend RSA 361-A:7, II(h) to read as follows:

(h) The time balance, which is the sum of (f) and (g), payable in installments by the buyer ~~[to the seller]~~, the number of installments, the amount of each installment and the due date or period thereof.

17 Requirements; Insurance. Amend RSA 361-A:7, III to read as follows:

III. The amount, if any, included for insurance, which may be purchased by *or protects* the holder of the retail installment contract, shall not exceed the applicable premiums chargeable in accordance with the rates filed with the insurance commissioner. If dual interest insurance on the motor vehicle is purchased by the holder, ~~[he]~~ *the holder* shall, within 30 days after execution of the retail installment contract, send or cause to be sent to the buyer a policy or policies or certificate of insurance, written by an insurance company authorized to do business in this state, clearly setting forth the amount of the premium, the kind or kinds of insurance, the coverages and all the terms, exceptions, limitations, restrictions and conditions of the contract or contracts of insurance. The buyer shall have the privilege of purchasing ~~[such]~~ insurance from an agent or broker of ~~[his]~~ *the buyer's* own selection authorized by the insurance commissioner to do business in the state, but in such case the inclusion of the *dual interest* insurance premium in the retail installment contract shall be optional with the seller.

18 Prohibitions; Pyramiding of Delinquency or Collection Charges. Amend RSA 361-A:7, V to read as follows:

V. The holder may, if the contract so provides, collect a *single* delinquency and collection charge on each installment in default for a period not less than 10 days in an amount not in excess of 5 percent of ~~[each] the installment [or 6 percent per annum on the total unpaid balance, which ever is greater] in default.~~ In addition to such delinquency and collection charge, the contract may provide for the payment of reasonable attorneys' fees where such contract is referred for collection to an attorney not a salaried employee of the holder of the contract plus the court costs and the financier's out-of-pocket collection expenses. *The pyramiding of delinquency or the collection of unfair late charges as prohibited in Federal Reserve Regulation AA, 12 C.F.R. 227.15, as amended from time to time, is prohibited.*

19 Requirements; Retail Installment Contracts. Amend RSA 361-A:7, VII to read as follows:

VII. ~~[Upon]~~ *Within 5 business days of receipt of* written request from the buyer ~~[at reasonable intervals],~~ the holder of a retail installment contract shall give or forward to the buyer a written statement of the dates and amounts of payments ~~[and] or~~ the total amount unpaid under such contract, *or both, as specified in the request.* A buyer shall be given a written or stamped receipt for any payment when made in cash.

20 New Paragraph; Prohibitions; Retail Installment Contracts. Amend RSA 361-A:7 by inserting after paragraph VIII the following new paragraph:

IX. The following provisions are prohibited in retail installment contracts and shall not be enforceable:

(a) Any provision permitting the holder to waive the buyer's right to notice of default.

(b) Any provision permitting the holder to accelerate the principal balance under the contract for default for any cause other than:

(1) Non-payment of any amount due under the terms of the contract; or

(2) Failure to insure the vehicle which secures the contract against loss, if such insurance is required by the terms of the contract and except where the contract provides for the holder to purchase such insurance and collect the premiums for the insurance from the borrower.

(c) Any provisions permitting the holder to:

(1) Declare the note in default prior to 10 days following failure to make any installment payment due; or

(2) Add any charge for vehicle repairs to the principal balance of the contract after the contract has been executed; or

(3) Assess a prepayment penalty on a contract with a term of less than 6 years.

21 Direct Loans by Sales Finance Companies. Amend RSA 361-A:7-a to read as follows:

361-A:7-a Direct Loans by Sales Finance Companies. The provisions of RSA 361-A:7 shall apply to a sales finance company which provides direct loans to retail buyers for the purchase of motor vehicles from retail sellers, *except RSA 361-A:7, I and II shall not apply to savings banks, trust companies, credit unions, cooperative banks or industrial banks which do not act as sellers, but provide direct loans to retail buyers and supply a disclosure statement in conformity with Federal Reserve Board Regulation Z Truth-in-Lending, 12 C.F.R. 226, as amended from time to time.*

22 Penalties. Amend RSA 361-A:11, III to read as follows:

III. Any person violating the provisions of RSA 361-A:7 or RSA 361-A:8 *or engaging in the business of a sales finance company without a license if a license is required under this chapter* shall be barred from recovering any finance charge, delinquency, or collection charge on the contract. *Where no finance charge is payable under the terms of the contract, a person engaging in the business of a sales finance company without a license shall be barred from recovering any amount in excess of the wholesale market value of the vehicle, if the vehicle was purchased by the seller at a wholesale auction or other wholesale outlet, or the trade-in value of the vehicle if the seller acquired the vehicle in trade. Such value shall be that quoted for New Hampshire or the New England region in a value quotation publication generally recognized by the motor vehicle industry and as specified by the commissioner in rules adopted pursuant to RSA 541-A.*

23 Effective Date.

I. Sections 2, 6, and 9 of this act shall take effect January 1, 1998.

II. The remainder of this act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill changes certain definitions under RSA 361-A, relative to regulation of sales finance companies and retail sellers. The bill also increases penalties for failure to comply with this chapter and changes the requirements and prohibitions for retail installment contracts. The bill also makes the bank commissioner's rulemaking authority under this chapter discretionary rather than mandatory.

**HB 483, relative to regulation of securities OUGHT TO PASS WITH AMENDMENT**

Rep. David T. Mittelman for Commerce: The bill as amended makes certain technical changes to New Hampshire securities laws. Its more significant provisions include 1) a limited exemption for Canadian broker-dealers doing business with resident Canadian citizens, and 2) allowing the Bureau of Securities Regulation to deny, suspend, or revoke the license of any individual who has violated securities laws. Vote 13-0.

**Amendment (0583h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; "Branch Office." Amend RSA 421-B:2, IV-a to read as follows:

IV-a. "Branch office" means any ~~office to which a broker-dealer directly or indirectly contributes to a substantial portion of the operating expenses and which is utilized by any person associated with the broker-dealer who is engaged in the investment banking or securities business; whether it be a commercial office space or residence, or an office for which the broker-dealer authorizes a listing in any publication or any other media, including a professional dealer's digest or a telephone directory, which listing designates a place as an office or if the broker-dealer designates any such place with any organization as an office~~ *location other than the main office, identified by any means to issuers, other broker-dealers or investment advisers or to the public, customers, or clients as a location at which a broker-dealer or investment adviser conducts a securities or investment advisory business. "Branch office" shall not include:*

*(a) A location identified solely in a telephone directory line listing or on a business card or letterhead if:*

*(1) The listing, card or letterhead also sets forth the address and telephone number of a New Hampshire office of the broker-dealer or investment adviser from which individuals conducting business from such identified location are directly supervised; and*

*(2) No more than one agent or investment adviser agent transacts business on behalf of the broker-dealer or investment adviser from such identified location; or*

*(b) Any other location not within the intent of this paragraph as the secretary of state may determine.*

2 New Paragraph; Limited Licensing of Canadian Broker Dealers Doing Business with Canadian Citizens in New Hampshire. Amend RSA 421-B:6 by inserting after paragraph VII the following new paragraph:

VIII.(a) A broker-dealer that is resident in Canada and has no office or other physical presence in this state may, provided the broker-dealer is licensed in accordance with this section, effect transactions in securities with or for, or induce or attempt to induce the purchase or sale of any security by:

(1) A person from Canada who is temporarily resident in this state, with whom the Canadian broker-dealer had a bona fide broker-dealer-client relationship before the person entered the United States; or

(2) A person from Canada who is resident in this state, whose transactions are in a self-directed tax advantaged retirement plan in Canada of which the person is the holder or contributor.

(b) An agent who will be representing a Canadian broker-dealer licensed under this section may, provided the agent is licensed in accordance with this section, effect transactions in securities in this state as permitted for the broker-dealer in subparagraph (a).

(c) A Canadian broker-dealer may become licensed under this section, provided that the broker-dealer:

(1) Files an application in the form required by the jurisdiction in which it has its head office;

(2) Files a consent to service of process;

(3) Is registered as a broker or dealer in good standing in the jurisdiction from which it is effecting transactions into this state and files evidence thereof; and

(4) Is a member of a self-regulatory organization or stock exchange in Canada.

(d) An agent who will be representing a Canadian broker-dealer licensed under this section in effecting transactions in securities in this state may become licensed under this section, provided that the agent:

(1) Files an application in the form required by the jurisdiction in which the broker-dealer has its head office;

(2) Files a consent to service of process; and

(3) Is registered in good standing in the jurisdiction from which he or she is effecting transactions into this state and files evidence thereof.

(e) If no denial order is in effect and no proceeding is pending under this chapter, the license becomes effective on the thirtieth day after an application is filed unless earlier made effective.

(f) A Canadian broker-dealer licensed under this section shall:

(1) Maintain its provincial or territorial registration and its membership in a self-regulatory organization or stock exchange in good standing;

(2) Provide the secretary of state upon request with its books and records relating to its business in this state as a broker-dealer;

(3) Inform the secretary of state forthwith of any criminal action taken against the broker-dealer or its agent or of any finding or sanction imposed on the broker-dealer as a result of any self-regulatory or regulatory action involving fraud, theft, deceit, misrepresentation, or similar conduct; and

(4) Disclose to its clients in the state that the broker-dealer and its agents are not subject to the full regulatory requirements in this chapter.

(g) An agent of a Canadian broker-dealer licensed under this section shall:

(1) Maintain his or her provincial or territorial registration in good standing;

(2) Inform the secretary of state forthwith of any criminal action, taken against him or her, or of any finding or sanction imposed on the agent as a result of any self-regulatory or regulatory action involving fraud, theft, deceit, misrepresentation, or similar conduct.

(h) Renewal applications for Canadian broker-dealers and agents under this section shall be filed before December 1 each year and may be made by filing the most recent renewal application, if any, filed in the jurisdiction in which the broker-dealer has its head office, or if no such renewal application is required, the most recent application filed pursuant to subparagraph (c)(1) or subparagraph (d)(1), as the case may be.

(i) Every applicant for a license or renewal of a license under this section shall pay the fee for broker-dealers and agents as required under RSA 421-B:31.

(j) A Canadian broker-dealer or agent licensed under this section shall only effect transactions in this state

(1) As permitted in subparagraph (a) or (b);

(2) With or through (i) the issuers of the securities involved in the transactions, (ii) other broker-dealers, and (iii) banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts or other financial institutions or institutional buyers, whether acting for themselves or as trustees; and

(3) As otherwise permitted by this chapter.

(k) A Canadian broker-dealer or agent licensed under this section and acting in accordance with the limitations set out in subparagraph (j) is exempt from all of the requirements of this chapter, except the anti-fraud provisions and the requirements set out in this section. Such Canadian broker-dealer or agent may only have its license under this section denied, suspended or revoked for a breach of the anti-fraud provisions of this chapter or the requirements in this section.

3 New Paragraph; Limited Licenses for Certain Broker-Dealers. Amend RSA 421-B:7 by inserting after paragraph II the following new paragraph:

II-a. The secretary of state may issue a limited license to a broker-dealer whose license is similarly restricted by the National Association of Securities Dealers.

4 Examination of Investment Adviser Offices. Amend RSA 421-B:9, I to read as follows:

I. For the purpose of determining the financial condition, fulfillment of its contractual obligations, and compliance with the law, whenever the secretary of state shall deem it expedient, he shall examine, either in person or by some examiner duly authorized by him the affairs, transactions, accounts, records, documents, and assets of each licensed broker-dealer, investment adviser, or issuer-dealer as to any matter relevant to the financial affairs or obligations of the broker-dealer,

investment adviser, or issuer-dealer or any other fact relative to its business methods, management and its dealings with clients, as often and to the extent he deems advisable. Except as otherwise provided, he shall examine each domestic broker-dealer, *investment adviser*, or issuer-dealer and domestic branches of foreign broker-dealers or ~~issuer-dealers~~ *investment advisers* at least once every 4 years. Examination of an alien broker-dealer, investment adviser, or issuer-dealer shall be limited to its broker-dealer, investment adviser, or issuer-dealer transactions, assets, trust deposits, and affairs in the United States except as otherwise required by the secretary of state.

(a) The secretary of state shall in like manner examine each broker-dealer, investment adviser, or issuer-dealer applying for an initial license to transact securities business in this state.

(b) In lieu of making his own examination, the secretary of state may, in his discretion, accept a full report of the most recent examination of a foreign or alien broker-dealer, investment adviser, or issuer-dealer certified to by the securities supervisory official of another state or by the Securities Exchange Commission, or the National Association of Securities Dealers.

(c) ~~[As far as practical, the examination of a foreign or alien broker-dealer, investment adviser, or issuer-dealer shall be made in cooperation with the Securities Exchange Commission, the National Association of Securities Dealers and the securities supervisory officials of other states in which the broker-dealer, investment adviser, or issuer-dealer transacts business.]~~ *For the purpose of avoiding unnecessary duplication of examinations, the secretary of state, insofar as he deems it practicable in administering this section, may cooperate with the securities administrators of other states, the Securities and Exchange Commission and any national securities exchange or national securities association registered under the Securities Exchange Act of 1934.*

5 Securities Violations in Other States or Provinces. Amend RSA 421-B:10, I(b)(2) to read as follows:

(2) Has willfully violated or failed to comply with any provision of this title or a predecessor law, *or of any other state's or Canadian province's securities laws*, or the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or any rule under any of such statutes, or any order thereunder of which he has notice and to which he is subject;

6 "Preliminarily" Added. Amend RSA 421-B:10, I(b)(4) to read as follows:

(4) Is permanently, *preliminarily*, or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

7 New Subparagraph; Order by Another State. Amend RSA 421-B:10, I(b) by inserting after subparagraph (5) the following new subparagraph:

(5-a) Is the subject of an adjudication or order entered after notice and opportunity for hearing by an administrator of another state, federal agency, or Canadian province that reflects that person has violated the securities laws of another state or Canadian province.

8 Misdemeanor and Felony Convictions Included. Amend RSA 421-B:10, I(b)(6) to read as follows:

(6) Is the subject of an order entered within the past 5 years by the securities administrator of any other state or by the Securities and Exchange Commission denying, *suspending*, or revoking licenses or registration as a broker-dealer, issuer-dealer, agent, or investment adviser, or the substantial equivalent of those terms, or is the subject of an order of the Securities and Exchange Commission suspending or expelling him from a national securities exchange or national securities association registered under the Securities Exchange Act of 1934 or is the subject of a United States Postal Service fraud order *or has been convicted within the past 10 years of any misdemeanor involving a security or any aspect of the securities business, or any felony which has not been annulled by a court*;

9 Process for Order to Show Cause. Amend RSA 421-B:10, III to read as follows:

III. The secretary of state may issue an order requiring the person to whom any license has been granted to show cause why the license should not be revoked. The order shall be calculated to give reasonable notice of the time and place for the revocation hearing, and shall state the reasons for the issuance of the order. The secretary of state may by order summarily postpone or suspend any license pending final determination of any order to show cause, or of any other proceeding under this section, provided he finds that the public interest would be irreparably harmed by delay in issuing such order. Upon the entry of the order, the secretary of state shall promptly

notify the applicant or licensee, as well as the employer or prospective employer if the applicant or licensee is an agent, that it has been entered and of the reasons for the order and that within 10 days after the receipt of a written request the matter will be set down for hearing. ~~[If no hearing is requested and none is ordered by the secretary of state, the order will remain in effect until it is modified or vacated by the secretary of state.]~~ *If the person to whom an order to show cause is issued fails to request a hearing within 30 days of receipt of such order, and none is ordered by the secretary of state, then such person shall be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the secretary of state, for good cause shown.* If a hearing is requested or ordered, the secretary of state, after notice of and opportunity for hearing, may modify or vacate the order or extend it until final determination.

10 Addendum Requirements. Amend the introductory paragraph to RSA 421-B:11, II to read as follows:

II. Before the secretary of state may accept (1) articles of incorporation for a new corporation under RSA 293-A, an application for a certificate of authority *for a foreign corporation* under RSA 293-A, (2) a certificate of limited partnership for a new limited partnership *or an application for registration of a foreign limited partnership* under RSA 304-B, (3) a certificate of formation for a new limited liability company or an application for ~~[regulation]~~ *registration* as a foreign limited liability company under RSA 304-C, *or* (4) *an application for* registration of a registered limited liability partnership or a notice of registration of a foreign registered limited liability partnership under RSA 304-A, ~~for an application for registration of a foreign partnership under RSA 305-A~~ the following requirements shall be met:

11 Correction to Addendum Requirement. Amend RSA 421-B:11, II(b) to read as follows:

(b) The statement shall be signed by the incorporators of a corporation to be formed, by an executive officer of an existing corporation, by the general partners or intended general partners if a limited partnership, by one or more members or managers authorized to do so if a limited liability company, or *by* one or more partners authorized to do so if a registered limited liability partnership or foreign registered limited liability partnership.

12 Annual Reporting Requirements for Registered Securities. Amend RSA 421-B:15, II-a to read as follows:

II-a. Every corporation and partnership having securities registered in this state shall, within ~~[90]~~ *120* days after the close of its fiscal year, file with the secretary of state annually a financial statement audited and certified by an independent certified public accountant. The audited statement shall be prepared in accordance with generally accepted accounting principles and such other standards as the secretary of state shall adopt by rule. Issuers of securities registered under this chapter shall also provide quarterly financial reports within 60 days of the end of each quarter to their shareholders, partners, and ~~[the secretary of state, except that issuers of open end mutual funds shall provide such reports on a semi-annual basis]~~ *members*. Such quarterly reports need not be independently audited. *The secretary of state may extend the time for filing such statement for good cause shown.*

13 Exemptions. Amend the introductory paragraph of RSA 421-B:17, I to read as follows:

I. The following securities are exempted from RSA 421-B:11, and RSA 421-B:18, I:

14 New Subparagraph; Exemption. Amend RSA 421-B:17, I(m) to read as follows:

(m) Any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or trade or professional association[-];

*(n) Any security designated by rule or order by the secretary of state after a finding that the designation is consistent with the purposes fairly intended by the policy and provisions of this title.*

15 Exemptions. Amend the introductory paragraph of RSA 421-B:17, II to read as follows:

II. The following transactions are exempted from RSA 421-B:11 and RSA 421-B:18, I:

16 Cross-Reference Correction. Amend RSA 421-B:17, II(h)(3)(ix) to read as follows:

(ix) A Form U-4 as prepared by the National Association of Securities Dealers and the Securities and Exchange Commission for each officer or director who will be effecting transactions in New Hampshire pursuant to RSA 421-B:2, ~~[H(d)]~~ *II(e)*;

17 Typographical Error Correction. Amend RSA 421-B:17, II(I) to read as follows:

(i) Any offer, but not a sale, [or] of a security for which a registration statement has been filed under both this chapter and the Securities Act of 1933, if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act; and any offer of a security if the sale of such security is or would be exempt under this section. The secretary of state may by rule or order exempt such other offers, but not sales, of securities for which a registration statement has been filed, consistent with the purposes of this chapter.

18 New Subparagraph; Exemption. Amend RSA 421-B:17, II by inserting after subparagraph (s) the following new subparagraph:

(t) Any security designated by rule or order by the secretary of state after a finding that the designation is consistent with the purposes fairly intended by the policy and provisions of this title.

19 Withdrawal of Abandoned Exemption Filings. Amend RSA 421-B:17, III to read as follow:

III. The secretary of state may issue an order requiring any person who claims the benefit of an exemption with respect to a specific security or transaction, to show cause why the exemption should not be revoked. The order shall be calculated to give reasonable notice of the time and place for the revocation hearing, and shall state the reasons for the entry of the order. The secretary of state may by order summarily suspend, deny or revoke an exemption pending final determination of any order to show cause, provided the secretary of state finds the public interest will be irreparably harmed by delay in issuing such an order. If an exemption is denied, revoked or suspended pending final determination of an order to show cause, a hearing on the merits shall be held within 10 days of the issuance. *The secretary of state may deem abandoned and withdraw any filing made pursuant to this section, if any person fails to respond in writing within 180 days, to a written request from the secretary of state requesting a response, such request having been sent via certified mail to the last known address of the person making the filing.*

20 Administrative Penalty; Investor Education. Amend RSA 421-B:26, III and III-a to read as follows:

III. Any person who, either knowingly or negligently, violates any provisions of [RSA 421-B:3, 421-B:4, 421-B:5, 421-B:6, 421-B:11, 421-B:19, or 421-B:23] *this chapter* may, upon hearing, and in addition to any other penalty provided for by law, be subject to such suspension, revocation or denial of any registration or license, including the forfeiture of any application fee, or an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a separate violation, and such administrative action or fine may be imposed in addition to any criminal penalties imposed pursuant to RSA 421-B:24 or civil liabilities imposed pursuant to RSA 421-B:25.

III-a. Every person who directly or indirectly controls a person liable under paragraph I [or], II, *or III* every partner, principal executive officer, or director of such person, every person occupying a similar status or performing a similar function, every employee of such person who materially aids in the act or transaction constituting the violation, and every broker-dealer or agent who materially aids in the acts or transactions constituting the violation, either knowingly or negligently, ~~violates any provisions of RSA 421-B:3, 421-B:4, 421-B:5, 421-B:6, 421-B:11, 421-B:19, or 421-B:23~~ may, upon hearing, and in addition to any other penalty provided for by law, be subject to such suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a separate violation, and such administrative action or fine may be imposed in addition to any criminal penalties imposed pursuant to RSA 421-B:24 or civil liabilities imposed pursuant to RSA 421-B:25. No person shall be liable under this paragraph who shall sustain the burden of proof that such person did not know, and in the exercise of reasonable care could not have known, of the existence of facts by reason of which the liability is alleged to exist.

21 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill allows for limited licensing of Canadian broker-dealers and their agents conducting business with Canadian citizens who reside in New Hampshire.

The bill allows the bureau of securities regulation to deny, suspend, or revoke any license or to deny a license application if the licensee or applicant (1) has violate another state's or Canadian province's securities laws; (2) has been preliminarily enjoined by any court from any securities activity; (3) has been convicted of securities-related misdemeanors or any felonies; (4) is subject to an order of another state, federal agency, or Canadian province.

The bill requires a person to request an administrative hearing on a securities license revocation within 30 days of receipt of a show cause order. The bill requires addendum filings for foreign limited partnerships and changes the definition of "branch offices" of broker-dealers and investment advisors.

The bill also makes technical corrections and clarifications throughout RSA 421-B.

This bill was requested by the bureau of securities regulation, department of state.

**HB 487**, relative to the distribution of tobacco products. **INEXPEDIENT TO LEGISLATE**  
Rep. Keith R. Herman for Commerce: This is another one in a series of smoking related bills. Although the committee recommends this bill ITL, the committee has committed to take up the issue of tobacco coupon distribution in one of the re-referred smoking bills. This recommendation had unanimous, bi-partisan support. Vote 12-0.

**HB 492**, relative to the refund of unused insurance premiums for insurance policies sold by motor vehicle dealers. **INEXPEDIENT TO LEGISLATE**

Rep. Richard H. Krueger for Commerce: Under current law, the lien holder must return the unused portion of credit life and disability insurance within 30 days from date of notification. The problem that a constituent had is not at all common in the industry. The individual for whom this bill was proposed might well be advised to review his administrative procedures with the NH Insurance Department. Vote 14-0

**HB 505**, revising provisions relative to smoking in indoor public places **RE-REFER TO COMMITTEE**

Rep. Richard H. Krueger for Commerce: This bill has brought up many valid new issues including changes upon existing statutes, and it is felt further investigation and study is warranted. In addition, there are issues on several other bills that the committee voted ITL which will be incorporated in our discussion of this bill. Vote 13-1.

**HB 508**, relative to mandatory automobile insurance **INEXPEDIENT TO LEGISLATE**

Rep. Richard H. Krueger for Commerce: New Hampshire consistently remained among the top five states with the lowest number of uninsured motorists. We have achieved this record without the increased cost of a bureaucracy which would be passed on to the consumer and not reduce the number of uninsured motorists on the road in any measurable way. A large percentage of uninsured motorists involved in accidents are from other states which have their own forms of mandatory insurance. There is a small segment within the uninsured who are the working poor for whom mandatory insurance would severely impact their ability to survive in the job market until they can improve their lot. That the number of uninsured motorists would be reduced is statistically doubtful, but that the cost of auto insurance will rise as it has in other states is a surety. Vote 13-1.

**HB 511-FN-L**, requiring health insurers to provide coverage for certain supplies and services necessary in the treatment of diabetes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Toni M. Crosby for Commerce: This bill, as amended, provides coverage for diabetes supplies, services and education to aid in the diabetics self-treatment. Additionally, the committee wants to send a clear message to the insurance industry regarding coverage for those New Hampshire citizens with diabetes. It has long been recognized that training diabetics to correctly monitor the disease and providing them with the necessary supplies greatly reduces the costs of diabetes treatment. Vote 13-0.

#### **Amendment (0677h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring health insurers to provide coverage for certain supplies, services, and education necessary in the treatment of diabetes.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Individual Policies; Accident and Health Insurance. Amend RSA 415 by inserting after section 6-d the following new section:

415:6-e Coverage for Diabetes Services and Supplies. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of

this state, coverage for medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents and equipment used to treat diabetes subject to the terms and conditions of the policy. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

2 New Section; Group Policies; Accident and Health Insurance. Amend RSA 415 by inserting after section 18-e the following new section:

415:18-f Coverage for Diabetes Services and Supplies. Each insurer that issues or renews any policy, plan or contract of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each insurer that issues or renews any group or blanket policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents and equipment used to treat diabetes subject to the terms and conditions of the policy. Each insurer that issues or renews any group or blanket policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

3 New Section; Hospital Service Corporations. Amend RSA 419 by inserting after section 5-f the following new section:

419:5-g Coverage for Diabetes Services and Supplies. Every hospital service corporation and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each individual or group or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each hospital service corporation that issues or renews any individual or group or blanket policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents and equipment used to treat diabetes subject to the terms and conditions of the policy. Each hospital service corporation that issues or renews any individual or group or blanket policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

4 New Section; Medical Service Corporations. Amend RSA 420 by inserting after section 5-g the following new section:

420:5-h Coverage for Diabetes Services and Supplies. Every medical service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy plan, or contract of individual or group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each individual or group, or to the por-

tion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each medical service corporation that issues or renews any individual or group or blanket policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents and equipment used to treat diabetes subject to the terms and conditions of the policy. Each medical service corporation that issues or renews any individual or group or blanket policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

5 New Section; Nonprofit Health Service Corporations. Amend RSA 420-A by inserting after section 7-i the following new section:

420-A:7-j Coverage for Diabetes Services and Supplies. Every nonprofit health service corporation and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each nonprofit health service corporation that issues or renews any individual or group or blanket policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents and equipment used to treat diabetes subject to the terms and conditions of the policy. Each nonprofit health service corporation that issues or renews any individual or group or blanket policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

6 New Section; Health Maintenance Organizations. Amend RSA 420-B by inserting after section 8-j the following new section:

420-B:8-k Coverage for Diabetes Services and Supplies. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group or blanket health insurance providing benefits for medical or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each health maintenance organization that issues or renews any individual or group or blanket policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents and equipment used to treat diabetes subject to the terms and conditions of the policy. Each health maintenance organization that issues or renews any individual or group or blanket policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

7 Effective Date. This act shall take effect January 1, 1998.

## AMENDED ANALYSIS

This bill requires health insurers, hospital service corporations, medical service corporations, nonprofit health service corporations, and health maintenance organizations to cover certain supplies, services, and education necessary in the treatment of diabetes.

**HB 580-FN**, requiring that loans for purposes of purchasing manufactured housing be considered mortgages **OUGHT TO PASS WITH AMENDMENT**

Rep. Dennis P. Vachon for Commerce: The bill is intended to provide local tax collectors with the information they need to properly lien and foreclose on tax liens when the real estate involves manufactured housing. The amended bill accomplishes this without unnecessarily interfering with current options available to financial institutions in securing loans with manufactured housing units. Vote 11-2.

## Amendment (0502h)

Amend the bill by replacing the title with the following:

**AN ACT** providing that the proper place for filing security interests on manufactured housing is in the office where mortgages or real estate are filed or recorded.

Amend the bill by replacing all after the enacting clause with the following:

1 Place for Filing Security Interests on Manufactured Housing. Amend RSA 382-A:9-401(1)(b) to read as follows:

(b) when the collateral is timber to be cut or is minerals or the like (including oil and gas), [or] accounts subject to subsection (5) of Section 9-103, *or manufactured housing as defined in RSA 674:31*, or when the financing statement is filed as a fixture filing (Section 9-313) and the collateral is goods which are or are to become fixtures, then in the office where a mortgage on the real estate would be filed or recorded;

2 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill provides that in order to perfect a security interest on manufactured housing, it should be filed in the office where a mortgage on the real estate would be filed or recorded.

**HB 594-FN-L**, exempting towns and cities from paying condominium fees when condominium units are taken for nonpayment of taxes. **RE-REFER TO COMMITTEE**

Rep. Tara G. Reardon for Commerce: The subcommittee felt that more time is necessary to consider the variations among timeshares, commercial and residential condominiums, overlapping of issues with HB 701 and a review of RSA 356-B requirements. Vote 13-0.

**HB 611-FN**, making state securities laws comply with the National Securities Market Improvement Act. **OUGHT TO PASS WITH AMENDMENT**

Rep. David T. Mittelman for Commerce: This bill as amended represents New Hampshire's response to the National Securities Markets Improvement Act (NSMIA), enacted by congress last October. Among its significant provisions, NSMIA pre-empted most state laws regulating investment companies (i.e., mutual funds) and investment company advisers (i.e., mutual fund managers). The goal of HB 611 is to conform New Hampshire's statutes to federal law where necessary and retain state oversight of the mutual fund industry where possible. In so doing, this bill not only protects New Hampshire investors from fraudulent activity, but is also protects the more than \$8,000,000 in revenue that flows to the New Hampshire general fund by way of licensing fees and penalty assessments. Vote 15-0.

## Amendment (0727h)

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; Agent. Amend the introductory paragraph of RSA 421-B:2, II to read as follows:

II. "Agent" means any individual, other than a broker-dealer, issuer or issuer-dealer, who represents a broker-dealer, issuer or issuer-dealer in effecting or attempting to effect purchases or sales of securities or an individual other than an investment adviser who represents an investment adviser by providing investment advice *or who is an investment adviser representative*. "Agent" does not include an individual who represents an issuer in:

2 New Paragraph; Definition; Covered Security. Amend RSA 421-B:2 by inserting after paragraph IV-b the following new paragraph:

IV-c. "Covered security" means a security identified as a covered security under section 18(b) of the Securities Act of 1933 or rules or regulations promulgated thereunder.

3 New Paragraphs; Definitions; Federal Covered Adviser and Federal Covered Security. Amend RSA 421-B:2 by inserting after paragraph V-c the following new paragraphs:

V-d. "Federal covered adviser" means a person who is (i) registered under section 203 of the Investment Advisers Act of 1940; or (ii) is excluded from the definition of "investment adviser" under section 202(a)(11) of the Investment Advisers Act of 1940.

V-e. "Federal covered security" means any security that is a covered security, except that a covered security for which a filing or fee has not been submitted as required by this chapter shall not be a federal covered security.

4 Definitions; Investment Advisor; Investment Advisory Contract. Amend RSA 421-B:2, IX to read as follows:

IX. "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities, or other investments, or as to the advisability of investing in, purchasing or selling securities, or as to the advisability of making other investments, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities, or other investments. *"Investment adviser" also includes financial planners and other persons who, as an integral component of other financially related services, provide the foregoing investment advisory services to others for compensation and as part of a business or who hold themselves out as providing the foregoing investment advisory services to others for compensation.* "Investment adviser" does not include:

- (a) A bank, savings institution or trust company;
- (b) A lawyer, accountant, engineer or teacher whose performance of these services is solely incidental to the practice of [his] the profession;
- (c) A broker-dealer whose performance of these services is solely incidental to the conduct of [his] business as a broker-dealer and who receives no special compensation for them;
- (d) A publisher of any bona fide newspaper, news magazine or business or financial publication of general, regular, and paid circulation;
- (e) A person whose advice, analyses, or reports relate only to securities exempted by RSA 421-B:17, I(a);
- (f) A person who has no place of business in this state if [his] the person's only clients in this state are other investment advisers, *federal covered advisors*, broker-dealers or persons to whom sales are exempted under RSA 421-B:17, II(g);
- (g) A person who transacts business in the field of insurance, provided such business is solely and exclusively in the field of insurance;
- (h) Any real estate broker who does not promote or sell any interest in any limited partnership;
- (i) *Any person that is a federal covered adviser;*
- (j) *A person who has no place of business in this state and who, during the preceding 12 month period, has had not more than 5 clients, other than those specified in subparagraph (f), who are residents of this state;*
- (k) Such other persons not within the intent of this paragraph as the secretary of state may by rule or order designate.

5 New Paragraph; Investment Adviser Representative. Amend RSA 421-B:2, IX-a to read as follows:

IX-a. *"Investment adviser representative" means any partner, officer, director of, or a person occupying a similar status or performing similar functions, or other individual, except clerical or ministerial personnel, who is employed by or associated with an investment adviser that is licensed or required to be licensed under this chapter, or who has a place of business located in this state and is employed by or associated with a federal covered adviser; and who does any of the following:*

- (a) *Makes any recommendations or otherwise renders advice regarding securities or other investments;*
- (b) *Manages accounts or portfolios of clients;*

(c) *Determines which recommendation or advice regarding securities or other investments should be given;*

(d) *Solicits, offers, or negotiates for the sale of or sells investment advisory services; or*

(e) *Supervises employees who perform any of the functions in subparagraphs (a)-(d).*

**IX-b.** "Investment advisory contract" means any contract or agreement whereby a person agrees to act as an investment adviser or to manage any investment or trading account for a person other than an investment adviser as defined in RSA 421-B:2, IX.

6 New Paragraph; Definition; "NSMIA". Amend RSA 421-B:2 by inserting after paragraph XIV the following new paragraph:

XIV-a. "NSMIA" means the National Securities Improvement Act of 1996, or rules or regulations promulgated thereunder.

7 New Paragraphs; Definitions. Amend RSA 421-B:2, XV to read as follows:

XV. "*Open-end mutual fund*" means an open end management company as defined in the *Investment Company Act of 1940*.

XV-a. "Order" means an order issued pursuant to this chapter.

XV-b. "*Other investment company*" means a closed end management company, face amount certificate company, or unit investment trust as such terms are defined in the *Investment Company Act of 1940*.

8 New Paragraph; Definition; Federal Securities Laws. Amend RSA 421-B:2 by inserting after paragraph XIX-b the following new paragraph:

XIX-c. "Securities Act of 1933," "Securities Exchange Act of 1934," "Investment Advisers Act of 1940," and "Investment Company Act of 1940" mean the federal statutes of those names as amended before or after the effective date of this paragraph.

9 New Paragraphs; Investment Advisory Activities; Requirements and Prohibitions. Amend RSA 421-B:4 by inserting after paragraph III the following new paragraphs:

IV. It shall constitute a fraudulent, deceptive, or manipulative act, practice, or course of business within the meaning of paragraph I for any investment adviser who has custody or possession of any funds or securities in which any client has any beneficial interest, to do any act or take any action, directly or indirectly, with respect to any such funds or securities, unless:

(a) All such securities of each such client are segregated, marked to identify the particular client who has the beneficial interest therein, and held in safekeeping in some place reasonably free from risk of destruction or other loss; and

(b) All such funds of such clients are deposited in one or more bank accounts which contain only clients' funds, such account or accounts are maintained in the name of the investment adviser as agent or trustee for such clients, and the investment adviser maintains a separate record for each such account which shows the name and address of the bank where such account is maintained, the dates and amounts of deposits in and withdrawals from such account, and the exact amount of each client's beneficial interest in such account; and

(c) Such investment adviser, immediately after accepting custody or possession of such funds or securities from any client, notifies such client in writing of the place and manner in which such funds and securities will be maintained, and thereafter, if and when there is any change in the place or manner in which such funds or securities are being maintained, gives each such client written notice thereof; and

(d) Such investment adviser sends to each client, not less frequently than once every 3 months, an itemized statement showing the funds and securities in the custody or possession of the investment adviser at the end of such period, and all debits, credits, and transactions in such client's account during such period; and

(e)(1) All such funds and securities of clients are verified by actual examination at least once during each calendar year by an independent public accountant at a time that shall be chosen by such accountant without prior notice to the investment adviser. A certificate of such accountant stating that an examination of such funds and securities has been made, and describing the nature and extent of the examination, shall be attached to a completed Form ADV-E (17 CFR 279.8) and transmitted to the secretary of state promptly after each examination.

(2) Subparagraph IV(e)(1) shall not apply to an investment adviser also registered as a broker-dealer under section 15 of the Securities Exchange Act of 1934 if (i) such broker-dealer is subject to and in compliance with Rule 15c3-1 (Reg 240.15c3-1, 25,126) under the Securities

Exchange Act of 1934, or (ii) such broker-dealer is a member of an exchange whose members are exempt from Rule 15c3-1 (Reg. 240.15c3-1, 25,126) under the provisions of paragraph (b)(2) thereof, and such broker-dealer is in compliance with all rules and settled practices of such exchange imposing requirements with respect to financial responsibility and the segregation of funds or securities carried for the account of customers.

V. A person who is an investment adviser or a federal covered adviser is a fiduciary and has a duty to act primarily for the benefit of the person's clients. While the extent and nature of this duty varies according to the nature of the relationship between an investment adviser and the clients and the circumstances of each case, an investment adviser or a federal covered adviser shall not engage in unethical business practices which constitute violations of paragraph I, including the following:

(a) Recommending to a client to whom investment supervisory, management, or consulting services are provided the purchase, sale, or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known by the investment adviser.

(b) Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.

(c) Introducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives, and character of the account in light of the fact that an adviser in such situations can directly benefit from the number of securities transactions effected in a client's account. This subparagraph appropriately forbids an excessive number of transaction orders to be induced by an adviser for a customer's account.

(d) Placing an order to purchase or sell a security for the account of a client without the authority to do so.

(e) Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third party trading authorization from the client.

(f) Borrowing money or securities from a client unless a client is a broker-dealer, an affiliate of the investment adviser, or a financial institution engaged in the business of loaning funds.

(g) Loaning money to a client unless the investment adviser is a financial institution engaged in the business of loaning funds or the client is an affiliate of the investment adviser.

(h) To misrepresent to any advisory client, or prospective advisory client, the qualifications of the investment adviser or any employee of the investment adviser, or to misrepresent the nature of the advisory services being offered or fees to be charged for such service, or to omit to state a material fact necessary to make the statements made regarding qualifications, services or fees, in light of the circumstances under which they are made, not misleading.

(i) Providing a report or recommendation to any advisory client prepared by someone other than the adviser without disclosing that fact. This prohibition does not apply to a situation where the adviser uses published research reports or statistical analysis to render advice or where an adviser orders such a report in the normal course of providing service.

(j) Charging a client an unreasonable advisory fee.

(k) Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the adviser or any of its employees which could reasonably be expected to impair the rendering of unbiased and objective advice including:

(1) Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients or such services; and

(2) Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the adviser or its employees.

(l) Guaranteeing a client that a specific result will be achieved such as gain or no loss, with advice which will be rendered.

(m) Publishing, circulating, or distributing any advertisement which does not comply with Rule 206(4)-1 under the Investment Advisers Act of 1940.

(n) Disclosing the identity, affairs, or investments of any client unless required by law to do so, or unless consented to by the client.

(o) Take any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment adviser has custody or possession of such securities or funds when the adviser's action is subject to and does not comply with the requirements of Reg 206(4)-2 under the Investment Advisers Act of 1940.

(p) Entering into, extending, or renewing any investment adviser contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or non-performance, whether the contract grants discretionary power to the adviser, and that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract.

(q) Failing to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the misuse of material nonpublic information in violation of section 204A of the Investment Advisers Act of 1940.

(r) Entering into, extending, or renewing any advisory contract which would violate section 205 of the Investment Advisers Act of 1940. This provision shall apply to all advisers registered or required to be registered under the Investment Advisers Act of 1940, notwithstanding whether such adviser would be exempt from federal registration pursuant to section 203(b) of the Investment Advisers Act of 1940.

(s) To indicate, in an advisory contract, any condition, stipulation, or provisions binding any person to waive compliance with any provision of this chapter or of the Investment Advisers Act of 1940 or any other practice that would violate section 215 of the Investment Advisers Act of 1940.

(t) Engaging in any act, practice, or course of business which is fraudulent, deceptive, or manipulative in contravention of section 206(4) of the Investment Advisers Act of 1940, notwithstanding the fact that such investment adviser is not registered or required to be registered under section 203 of the Investment Advisers Act of 1940.

(u) Engaging in conduct or any act, indirectly or through or by any other person, which would be unlawful for such person to do directly under the provisions of this chapter or any rule adopted under it.

The conduct set forth above is not inclusive. Engaging in other conduct such as nondisclosure, incomplete disclosure, or deceptive practices, shall be deemed an unethical business practice. The federal statutory and regulatory provisions referenced in this paragraph shall apply to investment advisers and federal covered advisers, regardless of whether the federal provision limits its application to advisers subject to federal registration.

10 Licensing Requirements. Amend RSA 421-B:6 to read as follows:

#### 421-B:6 Licensing Requirements.

I. It is unlawful for any person to transact business in this state as a broker-dealer, issuer-dealer, investment adviser, or agent unless *[he] such person* is licensed under this chapter. *Except with respect to advisers whose only clients are those described in RSA 421-B:2, IX(f), it is unlawful for any federal covered adviser to conduct advisory business in this state unless such person complies with the provisions of RSA 421-B:7, I-a. An investment adviser representative is required to be licensed as an agent under this section, in addition to any agent license held as a representative of any broker-dealer.*

II. It is unlawful for any broker-dealer, issuer-dealer, and investment adviser to employ an agent unless the agent is licensed, *or for a federal covered adviser to employ, supervise, or associate with an investment adviser representative having a place of business located in this state, unless such investment adviser representative is licensed as an agent under this chapter, or is exempt from the licensing requirements.* Under this chapter, an agent's license is only in effect when such agent is associated with a particular broker-dealer, *investment adviser, federal covered adviser*, or a particular issuer. No agent shall at any time represent more than one broker-dealer or issuer-dealer, except that where broker-dealers *or issuer-dealers* affiliated by direct common control are licensed under this chapter, an agent may represent any such broker-dealer *or issuer-dealer*. When an agent begins or terminates those activities which make *[him] the person* an agent, the broker-dealer, issuer-dealer, and investment adviser shall promptly notify the secretary of state. *When an investment adviser representative begins or terminates employment with a federal covered adviser, the investment adviser representative shall promptly notify the secretary of state.*

III. All licenses for agents, broker-dealers, investment advisers, and issuer-dealers *or notice filings for federal covered advisers* shall expire every year on December 31.

IV. All licensed agents, broker-dealers, investment advisers, *federal covered advisers*, and issuer-dealers and any persons applying for such licenses shall be liable for the fees established pursuant to RSA 421-B:31.

V. Prior to opening a branch office, a broker-dealer, *or investment adviser* shall [notify] *send written notification directly to* the secretary of state of the location of the branch office, telephone number, name of the individual supervising the office, and any other pertinent information required by the secretary of state.

VI. The following sales of securities shall not constitute acts requiring licensure as a broker-dealer, issuer-dealer, or issuer-dealer agent:

(a) Sales of securities made pursuant to qualified pension plans, qualified profit-sharing plans, and dividend reinvestment plans.

(b) Sales of securities of a corporation to its officers, its directors, and sales made pursuant to RSA 421-B:17, I(h).

(c) Sales or distributions of securities to majority owned subsidiaries.

VII. The following sales of securities shall not constitute acts requiring licensure as an issuer-dealer: RSA 421-B:17, I(a); (b); (h); (i); (j); (k); and II(a); (b); (d); (e); (f); (g); (j); (k); (l); (m); (n); (o); (p)(1); and (q).

*VIII. Under the provisions of NSMIA and this chapter, until October 11, 1999, if a federal covered adviser fails to or refuses to pay fees pursuant to RSA 421-B:31 prior to acting as a federal covered adviser in this state, such federal covered adviser shall be subject to penalties for conducting unlicensed investment advisory business, in addition to any other penalties provided for under this chapter, and licensure as an investment adviser of such federal covered adviser shall be required in this state.*

11 New Paragraph; Licensing Procedure. Amend RSA 421-B:7 by inserting after paragraph I the following new paragraph:

I-a. Except with respect to federal covered advisers whose only clients are those described in RSA 421-B:2, IX(f), a federal covered adviser shall file with the secretary of state, prior to acting as a federal covered adviser in this state, a notice, which shall consist of a copy of the most recent complete Form ADV filed with the Securities and Exchange Commission, a Form U-2, and shall pay initial and annual fees in accordance with 421-B:31. Initial fees shall be paid before business is transacted in this state, and annual fees shall be paid on or before December 31 of the current year for the ensuing year. Federal covered advisers shall submit copies of all documents filed with the Securities and Exchange Commission pursuant to the securities laws within 10 business days of their submission to the Securities and Exchange Commission.

12 Licensing Procedures. RSA 421-B:7, III and IV are repealed and reenacted to read as follows:

III. The secretary of state may, by rule or order, require a minimum capital for broker-dealers, subject to the limitations of section 15 of the Securities Exchange Act of 1934, and establish minimum financial requirements for investment advisers, subject to the limitations of section 222 of the Investment Advisers Act of 1940, which may include different requirements for those investment advisers who maintain custody of clients' funds or securities or who have discretionary authority over such funds or securities and those investment advisers who do not.

IV. The secretary of state may require licensed broker-dealers, and investment advisers who have custody of or discretionary authority over client funds or securities, to post surety bonds in an amount determined by the secretary of state based upon the number of clients and the total assets under management of the investment adviser, and the disciplinary history of the investment adviser or broker-dealer, subject to the limitations of section 15 of the Securities Exchange Act of 1934 for broker-dealers, and section 222 of the Investment Advisers Act of 1940 for investment advisers, and may determine their conditions. Any appropriate deposit of cash or securities shall be accepted in lieu of any bond required. Every bond shall provide for suit thereon by any person who has a cause of action under RSA 421-B:25, and, if the secretary of state by rule or order requires, by any person who has a cause of action not arising under this chapter. Every bond shall provide that no suit may be maintained to enforce any liability on the bond unless brought within 6 years after the sale or other act upon which it is based.

13 Post-Licensing Provisions. Amend RSA 421-B:8, I to read as follows:

I. Every broker-dealer or issuer-dealer doing business in this state unless otherwise directed shall, within 60 days after the close of the fiscal year, make and transmit to the secretary of state a filing under oath of its chief managing officer showing or providing the financial statement, changes in management, changes in ownership, and any significant changes in the method of doing business for the preceding fiscal year, *except as provided by section 15 of the Securities Exchange Act of 1934 in the case of a broker-dealer, and section 222 of the Investment Advisers Act of 1940 in the case of an investment adviser*. Said filing shall include statements or periodic reports filed with any regulatory, state or federal authority or exchange if so directed by order or rule of the secretary of state.

14 New Paragraph; Corrections to Documents. Amend RSA 421-B:8 by inserting after paragraph IX the following new paragraph:

IX-a. If the information contained in any document filed with the secretary of state is or becomes inaccurate or incomplete in any material respect, the licensee or federal covered adviser shall file a correcting amendment promptly if the document is filed with respect to a licensee or when such amendment is required to be filed with the Securities and Exchange Commission if the document is filed with respect to a federal covered adviser, unless notification of the correction has been given under RSA 421-B:6, II.

15 New Paragraphs; Information; Books and Records Requirements; Other Requirements. Amend RSA 421-B:8 by inserting after paragraph X the following new paragraphs:

XI. With respect to investment advisers, the secretary of state may require that certain information be furnished or disseminated as necessary or appropriate in the public interest or for the protection of investors and advisory clients. To the extent determined by the secretary of state, in his discretion, information furnished to clients or prospective clients of an investment adviser that would be in compliance with the Investment Advisers Act of 1940 and the rules thereunder may be used in whole or partial satisfaction of this requirement.

XII.(a) Every licensed broker-dealer and investment adviser shall make and keep such accounts, correspondence, memoranda, papers, books, and other records as the secretary of state prescribes by rule or order, except as provided by section 15 of the Securities Exchange Act 1934 in the case of a broker-dealer, and section 222 of the Investment Advisers Act of 1940 in the case of an investment adviser. All records so required, shall be true and accurate, and shall be preserved for a period of not less than 6 years, the first 2 years in an easily accessible place and form, subject to the exceptions previously referenced in this section.

(b) Every broker-dealer licensed or required to be licensed under this chapter shall, at a minimum, make and keep true, accurate and current the following records:

(1) Unless otherwise provided by order of the Securities and Exchange Commission, each broker-dealer licensed or required to be licensed under this chapter shall make, maintain and preserve books and records in compliance with U.S. Securities and Exchange Commission rules 17a-3 (17 C.F.R. 240.17a-3 (1996)), 17a-4 (17 C.F.R. 240.17a-4 (1996)), 15c2-6 (17 C.F.R. 240.15c2-6 (1996)), and 15c2-11 (17 C.F.R. 240.15c2-11 (1996)).

(2) To the extent that the U.S. Securities and Exchange Commission promulgates changes to the above-referenced rules, broker-dealers in compliance with such rules as amended shall not be subject to enforcement action by the secretary of state for violation of this section to the extent that the violations results solely from the broker-dealer's compliance with the amended rule.

(c) Every investment adviser licensed or required to be licensed under this chapter shall make and keep true, accurate and current the following books, ledgers and records:

(1) A journal or journals, including cash receipts and disbursements records, and any other records of original entry forming the basis of entries in any ledger.

(2) General and auxiliary ledgers or other comparable records, reflecting asset, liability, reserve, capital, income, and expense accounts.

(3) A memorandum of each order given by the investment adviser for the purchase or sale of any security of any instruction received by the investment adviser from the client concerning the purchase, sale, receipt, or delivery of a particular security, and of any modification, or cancellation of any such order or instruction. Such memoranda shall show the terms and conditions of the order, instruction, modification, or cancellation; shall identify the person connected with the investment adviser who recommended the transaction to the client and the person who placed such order; and shall show the account for which entered, the date of entry, and the bank or broker-dealer by or through whom executed where appropriate. Orders entered pursuant to the exercise of discretionary power shall be so designated.

(4) All checkbooks, bank statements, canceled checks, and cash reconciliations of the investment adviser.

(5) All bills or statements (or copies thereof), paid or unpaid, relating to the business of the investment adviser as such.

(6) All trial balances, financial statements, and internal audit working papers relating to the business of such investment adviser.

(7) Originals of all written communications received and copies of all written communications sent by such investment adviser relating to (A) any recommendation made or proposed to be made and any advice given or proposed to be given, (B) any receipt, disbursement or delivery of funds or securities, or (C) the placing or execution of any order to purchase or sell any security; provided, however, (i) that the investment adviser shall not be required to keep any unsolicited market letters and other similar communications of general public distribution not prepared by or for the investment adviser, and (ii) that if the investment adviser sends any notice, circular or other advertisement offering any report, analysis, publication, or other investment advisory service to more than 10 persons, the investment adviser shall not be required to keep a record of the names and addresses of the persons to whom it was sent; except that if such notice, circular or advertisement is distributed to persons named on any list, the investment adviser shall retain with the copy of such notice, circular or advertisement, a memorandum describing the list and the source thereof.

(8) A list or other record of all accounts in which the investment adviser is vested with any discretionary power with respect to the funds, securities, or transactions of any client.

(9) All powers of attorney and other evidences of the granting of any discretionary authority by any client to the investment adviser, or copies thereof.

(10) All written agreements (or copies thereof) entered into by the investment adviser with any client or otherwise relating to the business of such investment adviser as such.

(11) A copy of each notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication that the investment adviser circulates or distributes, directly or indirectly, to 10 or more persons (other than persons connected with such investment adviser) and, if such notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication recommends the purchase or sale of a specific security and does not state the reasons for such recommendation, a memorandum of the investment adviser indicating the reasons therefor.

(12)(A) A record of every transaction in a security in which the investment adviser or any advisory representative of such investment adviser has, or by reason of such transaction, acquires any direct or indirect beneficial ownership, except (i) transactions effected in any account over which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; and (ii) transactions in securities which are direct obligations of the United States. Such record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker-dealer or bank with or through whom the transaction was effected. Such record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment adviser or advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

(B) For purposes of this subparagraph (c)(12) the term "advisory representative" shall mean any partner, officer, or director of the investment adviser; any employee who makes any recommendation, who participates in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which recommendation shall be made; any employee who, in connection with the employee's duties, obtains any information concerning which securities are being recommended prior to the effective dissemination of such recommendations or of the information concerning such recommendations; and any of the following persons who obtain information concerning securities recommendations being made by such investment adviser, prior to the effective dissemination of such recommendations or of the information concerning such recommendations: (i) any person in a control relationship to the investment adviser, (ii) any affiliated person of such controlling person, and (iii) any affiliated person of such affiliated person. "Control" shall have the same meaning as that set forth in section 2(a)(9) of the Investment Company Act of 1940, as amended.

(C) An investment adviser shall not be deemed to have violated the provisions of this subparagraph because of failure to record securities transactions of any investment adviser representative if the investment adviser establishes that adequate procedures were instituted and reasonable diligence used to obtain promptly reports of all transactions required to be reported.

(13)(A) Notwithstanding the provisions of subparagraph (a)(12) where the investment adviser is primarily engaged in a business or businesses other than advising advisory clients, a record shall be maintained of every transaction in a security in which the investment adviser or any advisory representative of such investment adviser has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except (i) transactions effected in any account over which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; and (ii) transactions in securities which are direct obligations of the United States. Such record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected, and the name of the broker-dealer or bank with or through whom the transaction was effected. Such record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment adviser or advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 calendar days after the end of the calendar quarter in which the transaction was effected.

(B) An investment adviser is "primarily engaged in a business or businesses other than advising advisory clients" when, for each of its most recent 3 fiscal years or for the period of time since organization, whichever is less, the investment adviser derived, on an unconsolidated basis, more than 50 percent of (i) its total sales and revenues, and (ii) its income or loss before income taxes and extraordinary items, from such other business or businesses.

(C) For purposes of this subparagraph (c)(13), the term "advisory representative," when used in connection with a company primarily engaged in a business or businesses other than advising advisory clients, means any partner, officer, director, or employee of the investment adviser who makes any recommendation, who participates in the determination of which recommendation shall be made or whose functions or duties relate to the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which securities are being recommended prior to the effective dissemination of such recommendations or of the information concerning such recommendations; and any of the following persons who obtain information concerning securities recommendations being made by such investment adviser prior to the effective dissemination of such recommendations or of the information concerning such recommendations: (i) any person in a control relationship to the investment adviser, (ii) any affiliated person of such controlling person, and (iii) any affiliated person of such affiliated person. "Control" shall have the same meaning as that set forth in section 2(a)(9) of the Investment Company Act of 1940, as amended.

(D) An investment adviser shall not be deemed to have violated the provisions of this subparagraph (c)(13) because of failure to record securities transactions of any advisory representative if the investment adviser establishes that adequate procedures were instituted and reasonable diligence used to obtain promptly reports of all transactions required to be recorded.

(14) A copy of each written statement and each amendment or revision thereof, given or sent to any client or prospective client of such investment adviser and a record of the dates that each written statement, and each amendment or revision thereof, was given, or offered to be given, to any client or prospective client who subsequently becomes a client.

(15) All accounts, books, internal working papers, and any other records or documents that are necessary to form the basis for or demonstrate the calculation of the performance or rate of return of any or all managed accounts or securities recommendations in any notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication that the investment adviser circulates or distributes, directly or indirectly, to 10 or more persons (other than persons connected with such investment adviser); provided, however, that, with respect to the performance of managed accounts, the retention of all account statements, if they reflect all debts, credits, and other transactions in a client's account for the period of the statement, and all worksheets necessary to demonstrate the calculation of the performance or rate of return of all managed accounts shall be deemed to satisfy the requirements of this subparagraph.

(d) If an investment adviser subject to subparagraph (b) has custody or possession of securities or funds of any client, the records required to be made and kept under subparagraph (b), shall also include:

(1) A journal or other record showing all purchases, sales, receipts and deliveries of securities (including certificate numbers) for such accounts and all other debits and credits to such accounts.

(2) A separate ledger account for each such client showing all purchases, sales, receipts, and deliveries of securities, the date and price of each such purchase and sale, and all debits and credits.

(3) Copies of confirmations of all transactions effected by or for the account of any such client.

(4) A record for each security in which any such client has a position, which record shall show the name of each such client having any interest in each security, the amount or interest of each such client, and the location of each such security.

(e) Every investment adviser subject to subparagraph (b) who renders any investment supervisory or management service to any client shall, with respect to the portfolio being supervised or managed and to the extent that the information is reasonably available to or obtainable by the investment adviser, make and keep true, accurate, and current:

(1) Records showing separately for each such client the securities purchased and sold, and the date, amount, and price of each such purchase and sale.

(2) For each security in which any such client has a current position, information from which the investment adviser can promptly furnish the name of each such client, and the current amount or interest of such client.

(f) Any books or records required by this paragraph may be maintained by the investment adviser in such manner that the identity of any client to whom such investment adviser renders investment advisory services is indicated by numerical or alphabetical code or some similar designation.

(g)(1) All books and records required to be made under the provisions of subparagraph (b)(2)(c)(1), inclusive of this paragraph (except for books and records required to be made under the provisions of subparagraph (b)(11) and (b)(15) of this paragraph), shall be maintained and preserved in an easily accessible place for a period of not less than 5 years from the end of the fiscal year during which the last entry was made on such record, the first 2 years in an appropriate office of the investment adviser.

(2) Partnership articles and any amendments thereto, articles of incorporation, charters, minute books, and stock certificate books of the investment adviser and of any predecessor shall be maintained in the principal office of the investment adviser and preserved until at least 3 years after termination of the enterprise.

(3) Books and records required to be made under the provisions of subparagraphs (b)(11) and (b)(15) shall be maintained and preserved in an easily accessible place for a period of not less than 5 years, the first 2 years in an appropriate office of the investment adviser, from the end of the fiscal year during which the investment adviser last published or otherwise disseminated, directly or indirectly, notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication.

(h) An investment adviser subject to subparagraph (b) of this paragraph, before ceasing to conduct or discontinuing business as an investment adviser, shall arrange for and be responsible for the preservation of the books and records required to be maintained and preserved under this paragraph for the remainder of the period specified in this paragraph, and shall notify the secretary of state in writing of the exact address where such books and records will be maintained during such period.

(i)(1) The records required to be maintained and preserved pursuant to this paragraph shall be immediately produced or reproduced by photograph, on film, or as provided in subparagraph (i)(2), on magnetic disk, tape or other computer storage medium, and be maintained and preserved for the required time in that form. If records are produced or reproduced by the photographic film or computer storage medium, the investment adviser shall:

(A) Arrange the records and index the films or computer storage medium so as to permit the immediate location of any particular record;

(B) Be ready at all times to provide, and promptly provide, any facsimile enlargement of film or computer printout or copy of the computer storage medium which the secretary of state by its examiners or other representatives may request.

(C) Store separately from the original one other copy of the film or computer storage medium for the time required,

(D) With respect to records stored on computer storage medium, maintain procedures for maintenance and preservation of, and access to, records so as to reasonably safeguard records from loss, alteration, or destruction,

(E) With respect to records stored on photographic film, at all times have available for the secretary of state examination of its records pursuant to provisions of this chapter, and facilities for immediate, easily readable projection of the film and for producing easily readable facsimile enlargements.

(2) Pursuant to subparagraph (i)(1) an adviser may maintain and preserve, on computer tape or disk or other computer storage medium, records which, in the ordinary course of the adviser's business, are created by the adviser on electronic media or are received by the adviser slowly on electronic media or by electronic data transmission.

(j) For purposes of this paragraph, "investment supervisory services" means the giving of continuous advice as to the investment of funds on the basis of the individual needs of each client.

(k) Every investment adviser that has its principal place of business in a state other than this state shall be exempt from the requirements of this paragraph, provided the investment adviser is licensed in such state and is in compliance with such state's recordkeeping requirements.

XIII.(a)(1) Unless otherwise provided in this section, an investment adviser, licensed or required to be licensed under this chapter shall, in accordance with the provisions of this section, furnish each advisory client and prospective advisory client with a written disclosure statement which may be a copy of Part II of its Form ADV or written documents containing at least the information then so required by Part II of Form ADV, or such other information as the secretary of state may require.

(2) An investment adviser shall deliver the statement required by this section to an advisory client or prospective advisory client not less than 48 hours prior to entering into any investment advisory contract with such client or prospective client, or at the time of entering into any such contract, if the advisory client has the right to terminate the contract without penalty within 5 business days after entering into the contract.

(b) Delivery of the statement required by subparagraph (a)(1) need not be made in connection with entering into an investment company contract or a contract for impersonal advisory services.

(c)(1) An investment adviser, except as provided in subparagraph (a)(2), shall annually, without charge, deliver or offer in writing to deliver upon written request to each of its advisory clients the statement required by this section.

(2) The delivery or offer required by subparagraph (c)(1) need not be made to advisory clients receiving advisory services solely pursuant to:

(A) An investment company contract; or

(B) A contract for impersonal advisory services requiring a payment of less than \$200.

(3) With respect to an advisory client entering into a contract or receiving advisory services pursuant to a contract for impersonal advisory services which requires a payment of \$200 or more, an offer of the type specified in subparagraph (c)(1) shall also be made at the time of entering into an advisory contract.

(4) Any statement requested in writing by an advisory client pursuant to an offer required by this subdivision must be mailed or delivered within 7 days of the receipt of the request.

(d) If an investment adviser renders substantially different types of investment advisory services to different advisory clients, any information required by Part II of Form ADV may be omitted from the statement furnished to an advisory client or prospective advisory client if such information is applicable only to a type of investment advisory service or fee which is not rendered or charged, or proposed to be rendered or charged, to that client or prospective client.

(e) Nothing in this paragraph shall relieve any investment adviser from any obligation pursuant to any provision of this chapter or the rules and regulations thereunder or other federal or state law to disclose any information to its advisory clients or prospective advisory clients not specifically required by this paragraph.

(f) For the purpose of this paragraph:

(1) "Contract for impersonal advisory services" means any contract relating solely to the provision of investment advisory services:

(A) By means of written material or oral statements which do not purport to meet the objectives or needs of specific individuals or accounts;

(B) Through the issuance of statistical information containing no expression of opinion as to the investment merits of a particular security; or

(C) Any combination of the foregoing services.

(2) "Entering into" in reference to an investment advisory contract, does not include an extension or renewal without material change of any such contract which is in effect immediately prior to such extension or renewal.

(3) "Investment company contract" means a contract with an investment company registered under the Investment Company Act of 1940 which meets the requirements of section 15(c) of that act.

XIV.(a) Every licensed investment adviser who has custody of client funds or securities or requires payment of advisory fees 6 months or more in advance and in excess of \$500 per client shall file with the secretary of state an audited balance sheet as of the end of the investment adviser's fiscal year. Each balance sheet filed pursuant to this subparagraph shall be:

(1) Examined in accordance with generally accepted auditing standards and prepared in conformity with generally accepted accounting principles;

(2) Audited by an independent public accountant or an independent certified public accountant; and

(3) Accompanied by an opinion of the accountant as to the report of financial position and by a note stating the principles used to prepare it, the basis of included securities, and any other explanations required for clarity.

(b) Every licensed investment adviser who has discretionary authority over client funds or securities, but not custody, shall file with the secretary of state a balance sheet, which need not be audited, but which shall be prepared in accordance with generally accepted accounting principles and represented by the investment adviser or the person who prepared the statement as true and accurate, as of the end of the investment adviser's fiscal year.

(c) The financial statements required by this paragraph shall be filed with the secretary of state within 90 days following the end of the investment adviser's fiscal year.

XV. Every licensed broker-dealer shall comply with minimum financial requirements and financial reporting requirements as follows:

(a) Each broker-dealer licensed or required to be licensed under this chapter shall comply with SEC Rule 15c3-1 (17 C.F.R. 240.15c3-1 (1996)), 15c3-2 (17 C.F.R. 240.15c3-2 (1996)), and 15c3-3 (17 C.F.R. 240.15c3 (1996)).

(b) Each broker-dealer licensed or required to be licensed under this chapter shall comply with SEC Rule 17a-11 (17 C.F.R. 240.17a-11) and shall file with the secretary of state upon request, or as required by this chapter or orders or rules promulgated thereunder, copies of notices and reports required under SEC Rules 17a-5, 17a-10, and 17a-11.

(c) To the extent that the U.S. Securities and Exchange Commission promulgates changes to the above-referenced rules, broker-dealers in compliance with such rules as amended shall not be subject to enforcement action by the secretary of state for violation of this rule to the extent that the violation results solely from the dealer's compliance with the amended rule.

XVI. Every licensed investment adviser shall comply with minimum financial requirements and financial reporting requirements as follows:

(a) An investment adviser licensed or required to be licensed under this chapter who has custody of the client funds or securities shall maintain at all times a minimum net worth of \$35,000, and every investment adviser licensed or required to be licensed under this chapter who has discretionary authority over client funds or securities but does not have custody of client funds or securities, shall maintain at all times a minimum net worth of \$10,000.

(b) Unless otherwise exempted, as a condition of the right to continue to transact business in this state, every investment adviser licensed or required to be licensed under this chapter shall by the close of business on the next business day notify the secretary of state if such investment adviser's total worth is less than the minimum required. After transmitting such notice, each investment adviser shall file by the close of business on the next business day, a report with the secretary of state of its financial condition, including the following:

(1) A trial balance of all ledger accounts;

(2) A statement of all client funds or securities which are not segregated;

(3) A computation of the aggregate amount of client ledger, debit balances; and

(4) A statement as to the number of client accounts.

(c) For purposes of this paragraph, the term "net worth," shall mean an excess of assets over liabilities, as determined by generally accepted accounting principles, but shall not include as assets: prepaid expenses (except as to items properly classified as current assets under generally accepted accounting principles), deferred charges, goodwill, franchise rights, organizational expenses, patents, copyrights, marketing rights, unamortized debt discount and expense, all other assets of intangible nature; home, home furnishings, automobiles, and any other personal items not readily marketable in the case of an individual; advances or loans to stockbrokers and officers in the case of a corporation; and advances or loans to partners in the case of a partnership.

(d) The secretary of state may require that a current appraisal be submitted in order to establish the worth of any asset.

(e) Every investment adviser that has its principal place of business in a state other than this state shall maintain such minimal capital as required by the state in which the investment adviser maintains its principal place of business, provided the investment adviser is licensed in such state in compliance with such state's minimal capital requirements.

16 Registration Requirements; Notice Filing Requirements. Amend RSA 421-B:11 to read as follows:

421-B:11 Registration Requirement and Notice Filing of Securities.

I. It is unlawful for any person to offer or sell any security in this state unless it is registered under this chapter [or], the security or transaction is exempted under RSA 421-B:17, *or it is a federal covered security*.

*I-a. With respect to notice filings of covered securities, the following requirements shall apply:*

*(a) Prior to the offer or sale of any class or portfolio of covered securities under section 18(b)(2) of the Securities Act of 1933, a notice shall be filed which includes:*

*(1) A consent to service of process on Form U-2 signed by the issuer;*

*(2) A Form N-1A, prospectus, or amendment that contains a complete description of the offering; and*

*(3) The fee required for each class in RSA 421-B:31.*

*All mutual funds doing business in this state offering multiple classes of shares shall submit a notice filing for each class individually, and pay the fee set forth in RSA 421-B:31. All mutual funds doing business in this state offering securities through a combined prospectus shall submit a notice filing for each portfolio and each class thereof contained in the combined prospectus and pay fees set forth in RSA 421-B:31. Annual renewals of notice filings shall be made for each class of mutual fund shares not later than May 1 of each year and shall include (i) the fee set forth in RSA 421-B:31 and (ii) a current prospectus.*

*(b) Prior to the offer or sale of covered securities under section 18(b)(3), a notice shall be filed which includes:*

*(1) The name, address, and telephone number of the issuer, and the type of securities to be sold;*

*(2) A consent to service of process on Form U-2 signed by the issuer;*

*(3) Any document filed with the Securities and Exchange Commission; and*

*(4) The fee required in RSA 421-B:31, I(k) and RSA 421-B:31, II(f).*

*(c) Prior to the offer or sale of covered securities under section 18(b)(4)(A), a notice shall be filed which includes:*

*(1) The name, address, and telephone number of the issuer, and the type of securities to be sold;*

*(2) A consent to service of process on Form U-2 signed by the issuer;*

*(3) The most recent 10-K and 10-Q reports filed with the Securities and Exchange Commission;*

*(4) The name of a registered broker-dealer who will effect transactions in this state; and*

*(5) The fee required in RSA 421-B:31, I(h).*

*(d) Prior to the offer or sale of covered securities under section 18(b)(4)(C), a notice shall be filed which includes:*

*(1) The name, address, and telephone number of the issuer, and the type of securities to be sold;*

*(2) A consent to service of process on Form U-2 signed by the issuer;*

*(3) A copy of the prospectus; and*

(4) *The name of a registered broker-dealer who will effect transactions in this state; and*

(5) *The fee required in RSA 421-B:31, I(k) and 421-B:31, II(f).*

(e) *Prior to the offer or sale of covered securities under section 18(b)(4)(D), a notice shall be filed which includes:*

(1) *The name, address, and telephone number of the issuer and the type of securities to be sold;*

(2) *A consent to service of process on Form U-2 signed by the issuer;*

(3) *A complete Form D, including pages 1-8, filed with the Securities and Exchange Commission;*

(4) *The name of any registered broker-dealer who will effect transactions in this state; and*

(5) *The fee pursuant to RSA 421-B:31, I(h). No offer or sales shall be made by officers or directors of the issuer unless a Form U-4 shall have been submitted for each individual and authorization obtained pursuant to RSA 421-B:2, II(e).*

*I-b. Until October 11, 1999, the secretary of state may require the registration of any covered security for which a nonpayment or underpayment of fees has not been promptly remedied following written notification from the secretary of state of the nonpayment or underpayment of such fees.*

II. Before the secretary of state may accept articles of incorporation for a new corporation under RSA 293-A, an application for a certificate of authority under RSA 293-A, a certificate of limited partnership for a new limited partnership under RSA 304-B, a certificate of formation for a new limited liability company or an application for regulation as a foreign limited liability company under RSA 304-C, registration of a registered limited liability partnership or a notice of registration of a foreign registered limited liability partnership under RSA 304-A, or an application for registration of a foreign partnership under RSA 305-A, the following requirements shall be met:

(a) Along with a \$50 filing fee, a statement shall be filed with the secretary of state that the capital stock of the corporation, *memberships*, or the interests of the limited partnership, registered limited liability partnership, foreign registered limited liability partnership, or limited liability company have been registered, or when offered will be registered, under this chapter or are exempted, or when offered will be exempted, under this chapter, or are or will be offered in a transaction exempted from registration under this chapter, or are not securities under this chapter, *or are federal covered securities under this chapter*; and, in the case of a New Hampshire corporation, limited partnership, registered limited liability partnership, or limited liability company, that the articles of incorporation or certificate of limited partnership state whether the capital stock, *memberships*, or interests in the limited partnership, registered limited liability partnership or limited liability company will be sold or offered for sale within the meaning of this chapter.

(b) The statement shall be signed by the incorporators of a corporation to be formed, by an executive officer of an existing corporation, by the general partners or intended general partners if a limited partnership, by one or more members or managers authorized to do so if a limited liability company, or one or more partners authorized to do so if a registered limited liability partnership or foreign registered limited liability partnership.

17 Non-issuer Sales. Amend RSA 421-B:15, VIII to read as follows:

VIII. Every registration statement shall be effective, for the purpose of any non-issuer distribution until withdrawn, suspended, or revoked. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of any non-issuer transaction so long as the registration statement is effective. A registration statement may not be withdrawn for one year from its effective date if any securities of the same class are outstanding. *With respect to non-issuer sales of covered securities under section 18(b)(4)(A) of the Securities Act of 1933, refer to RSA 421-B:11 and RSA 421-B:31, I(h).*

18 New Paragraph; Stop Order. Amend RSA 421-B:16 by inserting after paragraph II the following new paragraph:

II-a. The secretary of state may issue a stop order suspending the offer and sale of a covered security, except a covered security under section 18(b)(1) of the Securities Act of 1933, if the secretary of state finds that:

(1) The order is in the public interest; and

(2) There is a failure to comply with any condition established under sections RSA 421-B:2, 421-B:11, or 421-B:31.

19 Reference to Rule 506. Amend RSA 421-B:17, II(h)(4) to read as follows:

(4) This exemption is not available for:

(A) Offerings made pursuant to the Securities Act of 1933, *Regulation D*, [~~Rules~~] *Rule 230.505* [~~and 230.506~~], which qualify for exemption from registration pursuant to RSA 421-B:17,II(r); *and*

(B) *Offerings of covered securities under section 18(b)(4)(D) of the Securities Act of 1933.*

20 Information Requests by Secretary of State. Amend RSA 421-B:18 to read as follows:

421-B:18 Filing of Sales and Advertising Literature and Other Information.

I. *Subject to the limitations of section 222 of the Investment Advisers Act of 1940 and section 18 of the Securities Act of 1933*, the secretary of state may by rule or order require the filing of any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed or intended for distribution to prospective investors, including clients or prospective clients of an investment adviser.

II. *Subject to the limitations of section 222 of the Investment Advisers Act of 1940 and section 18 of the Securities Act of 1933*, the secretary of state may require at any reasonable time and in any reasonable manner from any person or issuer subject to this title, statements; reports, including reports audited by independent public accountants and sales reports; answers to questionnaires; and other information and evidence thereof, in whatever reasonable form he designates, and at such reasonable intervals as he may choose, or from time to time.

21 No Legend for Federal Covered Securities. Amend RSA 421-B:20, II to read as follows:

II. The full text of paragraph I shall be reproduced, in type no smaller than 12 point boldface type, on any one of the first 5 pages of any prospectus or other offering document, when offered to New Hampshire residents in a private offering. Public offerings shall bear either a legend approved by the North American Securities Administrators Association, Inc., such as the modified Federal Regulation S-K legend or the legend required on Form U-7 which is required for offerings not federally registered. *This paragraph shall not apply to offers and sales of covered securities.*

22 Previous Filings of Consent: Amend the introductory paragraph of RSA 421-B:30, VII to read as follows:

VII. Every applicant for licensing under this chapter and every issuer who proposes to offer a security in this state through any person acting on an agency basis in the common-law sense shall file with the secretary of state, in such form as the secretary of state prescribes by rule, irrevocable consent appointing the secretary of state to receive service of any lawful process in any non-criminal suit, action, or proceeding against the applicant or the applicant's successor, executor, or administrator which arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous registration *or notice filing* need not file another. In instances where an offering is firmly underwritten, the issuer shall not be required to file a consent. Service may be made by leaving a copy of the process in the office of the secretary of state along with \$5, but it is not effective unless:

23 Fees. RSA 421-B:31 is repealed and reenacted to read as follows:

421-B:31 Fees.

I. Initial fees and fees for amendments shall be as follows:

(a) Broker dealer's and investment adviser's fees

(1) Broker dealer's and investment adviser's initial license fee \$ 200

(2) Non-refundable broker-dealer's and investment adviser's application fee \$ 50

(3) Amended dealer's license fee \$ 100

(4) Non-refundable fee for a federal covered adviser's initial notice filing \$ 250

(5) Notice filing amendment fee for a name change of a federal covered adviser \$ 100

(b) Agent's fees.

(1) Agent's initial license fee \$ 100

(2) Non-refundable agent's license application fee \$ 30

(3) Amended agent's license fee \$ 25

## (c) Issuer-dealer's fees.

- (1) Issuer-dealer agent's initial license fee \$ 50
- (2) Non-refundable issuer-dealer agent's application fee \$ 25
- (3) Issuer-dealer initial license fee \$ 50

## (d) Non-refundable registration fee for offers and sales of each class of open end mutual funds required to register under RSA 421-B:11, I-b. \$ 1,000

## (e) Non-refundable examination fee prior to offers or sales of securities under RSA 421-B:17, II(h) \$ 300

## (f) Registration fee prior to offers or sales of securities in this state 2/10 of one percent of the offering value of the issue provided said fee shall not be more than \$1,050, plus a \$200 non-refundable examination fee.

## (g) Fee prior to offers and sales of securities in initial public offerings in this state under RSA 421-B:17, I(f)(1)(i) \$ 1,000

## (h) Non-refundable fee prior to offers or sales of:

- (1) Securities under RSA 421-B:17, II(r),
- (2) Covered securities of other investment companies under section 18(b)(2) of the Securities Act of 1933,
- (3) Non-issuer transactions under section 18(b)(4)(A) of the Securities Act of 1933 - a one-time filing fee, and
- (4) Initial and annual renewal notice filing fee for sales of covered securities under Section 18(b)(4)(D) of the Securities Act of 1933. \$ 500

## (i) A copying and printing charge may be assessed per page for each document.

## (j) Non-refundable initial notice filing fee prior to offers or sales of each class of an open end mutual fund under section 18(b)(2) of the Securities Act of 1933 \$ 1,000

## (k) Initial notice filing fee prior to offers or sales of covered securities under sections 18(b)(4)(C) and 18(b)(3) of the Securities Act of 1933.

2/10 of one percent of the offering value of the issue, provided said fee shall not be more than \$1,050, plus \$200 non-refundable initial notice fee.

## II. Renewal fees shall be as follows:

- (a) Broker-dealer's and investment adviser's license renewal fee \$ 200
- (b) Annual notice filing fee for a federal covered adviser \$ 200
- (c) Agent's license renewal fee \$ 100
- (d) Issuer-dealer license renewal fee \$ 50
- (e) Issuer-dealer agent's license renewal fee \$ 50
- (f) Annual notice filing fee for offers or sales of covered securities under sections 18(b)(4)(C) and 18(b)(3) of the Securities Act of 1933.

2/10 of one percent of the offering value of the issue, provided said fee shall not be more than \$1,050.

## (g) Annual non-refundable notice filing fee for offers and sales of each class of an issuer of open end mutual funds which are covered securities under section 18(b)(2) of the Securities Act of 1933, due on or before May 1 of each year. \$ 1,000

## (h) Annual non-refundable registration fee for each class of an issuer of open-end mutual funds, due on or before May 1 of each year, if required to register under RSA 421-B:11, I-b. \$ 1,000

III. In addition to any other penalties, provisions, or fees prescribed under this chapter, a late filing fee of 1/10 of one percent of the offering value of (1) a registered securities issue, or (2) an offering of covered securities, provided said fee shall not be more than \$525, shall be imposed if:

- (a) It is requested that the provisions of RSA 421-B:13, III(b) be waived; or
- (b) Securities sold in this state are more than registered on the effective application filed with the secretary of state, where the maximum registration fee has not been paid; or

(c) The registration application is amended to increase the amount registered in this state, where the maximum registration fee has not been paid, subsequent to the effectiveness of the registration in this state; or

(d) Covered securities sold in this state are more than described in the notice filing made, where the maximum notice filing fee or the total amount of a flat fee has not been paid; or

(e) The notice filing for covered securities sold in this state is amended to increase the amount to be sold, subsequent to the date the filing was made in this state.

IV. Any person who offers or sells securities in New Hampshire under (1) RSA 421-B:12, 13, or 14, where less than the maximum filing fee has been paid in this state, (2) RSA 421-B:17, II(r) or (h), (3) a notice filing under section 18(b)(4)(D) of the Securities Act of 1933, or (4) a notice filing under section 18(b) of the Securities Act of 1933 where less than the maximum filing fee has been paid in this state shall file a sales report with the secretary of state. Such reports shall be filed one year from (1) the effective date of the registration or exemption or (2) the date the notice filing under section 18(b) of the Securities Act of 1933 was made with the secretary of state, and a final sales report shall be filed within 60 days of the termination of the offering. The sales report shall indicate the termination date, the total number and amount of sales in this state, and the total number and amount of sales in all jurisdictions. Any person who (1) fails to file a sales report or (2) fails to submit annual audited financial statements to the secretary of state under RSA 421-B:15, II-a shall pay a penalty of \$25 for each day of delinquency; provided, however, that the secretary of state may, for good cause shown, abate all or a portion of said delinquency penalty. The provisions of this paragraph shall not apply to federal covered securities pursuant to section 18(b)(2) of the Securities Act of 1933.

24 Repeal. RSA 421-B:15, IX-a, relative to a penalty for failure to file a sales report, is repealed.

25 Effective Date. This act shall take effect upon its passage.

**HB 691**, requiring large employers to offer their employees long-term care insurance. RE-REFER TO COMMITTEE

Rep. George Hurt for Commerce: The committee felt it would be prudent to study this piece of legislation and give serious consideration to long term care issues. Vote 12-2.

**HB 713**, establishing a penalty for failure to file certain financial statements and quarterly reports, relative to the names of foreign limited partnerships, and replacing an annual notice requirement for limited liability partnerships with an annual fee. OUGHT TO PASS WITH AMENDMENT

Rep. David T. Mittelman for Commerce: This bill eliminates an unnecessary requirement that limited liability partnerships (LLPs) file an annual notice with Secretary of State's Corporate Division. The bill also allows foreign LLPs to contain the name of a limited partner, as is common practice elsewhere. The amendment removes a penalty provision that would be better dealt with in other legislation. Vote 15-0.

#### Amendment (0725h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the names of foreign limited partnerships, and eliminating an annual notice requirement for limited liability partnerships.

Amend the bill by deleting section 7 and renumbering the original section 8 to read as 7.

#### AMENDED ANALYSIS

This bill:

I. Allows foreign limited partnerships registered in this state to have names which contain the name of a limited partner in certain circumstances.

II. Eliminates the annual notice requirement for limited liability partnerships.

**HB 772-FN-A**, establishing the position of industrial, commercial, and tourism agent for Coos County and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Gregory G. Carson for Commerce: The committee re-referred this bill because the sponsor was unable to testify before the committee due to personal illness. Vote 16-0.

**HB 798**, relative to the bonding requirement for health clubs. RE-REFER TO COMMITTEE

Rep. David T. Mittelman for Commerce: Current law requires a health club to post a surety bond if it offers long-term memberships. While the intent of this provision was to protect consumers, the impact has been less than ideal. Many health clubs do not comply while others that do find the requirement financially prohibitive. The committee would like additional time to reexamine this law so as to make it less burdensome to small businesses without adversely affecting consumers. Vote 15-1.

**HB 809**, establishing a committee to study the feasibility of bringing the New England Patriots to New Hampshire **OUGHT TO PASS**

Rep. George Hurt for Commerce: The majority of the committee felt this legislation is appropriate and worthy in working towards attracting the New England Patriots to New Hampshire. Vote 14-2.

**HB 202**, relative to the sale of air guns to minors and the use of air guns by minors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leo P. Pepino for Criminal Justice and Public Safety: This bill as amended defines air guns and restricts minors under the age of 17 from purchasing, possessing, and using an air gun without adult supervision. Vote 17-0.

#### **Amendment (0586h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the sale of air guns to minors and the use of air guns by minors and prohibiting the furnishing of arms to persons under 17.

Amend the bill by replacing all after the enacting clause with the following:

1 Air Guns; Minors. RSA 644:14 is repealed and reenacted to read as follows:

644:14 Sale of Air Guns to Minors; Use.

I. "Air gun" means a gun that uses compressed air or carbon dioxide to propel a projectile, including BB guns, pellet guns, and CO guns.

II. Any person who sells, barters, rents, lends, or gives an air gun to a person under 17 years of age, without the written consent of such person's parent or guardian, shall be guilty of a violation.

III. The use of air guns without supervision of a responsible adult shall be a violation.

IV. The use of air guns by a person under 17 years of age shall be restricted to the home or the private property surrounding the home or an approved range under responsible adult supervision.

2 Furnishing Arms to Persons Under 17. Amend RSA 644:15 to read as follows:

644:15 Furnishing Arms to Persons Under [6] 17. Any person who shall sell, barter, hire, lend or give to any person under the age of [6] 17 years any cartridges or shotshells suitable for discharging in any rifle, pistol, revolver or shotgun shall be guilty of a violation. This section shall not apply to fathers, mothers or guardians of such children.

3 Effective Date. This act shall take effect January 1, 1998.

#### **AMENDED ANALYSIS**

This bill defines the term "air gun" for purposes of the sale of air guns to minors and the use of air guns by minors.

The bill also makes it a violation to furnish arms to persons under 17 years of age.

**HB 204-FN-L**, relative to transportation of arrestees, detained defendants, and prisoners and court control of arrestees, detained defendants, and prisoners. **RE-REFER TO COMMITTEE**

Rep. Leo P. Pepino for Criminal Justice and Public Safety: This bill provides that once an arrestee, detained defendant or prisoner has arrived at a superior or district court house, the state through bailiffs and court security personnel is responsible for the conduct and control of such arrestee, detained defendant or prisoner as part of its responsibility for public security in the court house. Due to the very complex issues involved in this bill and the concerns of some members of the Hillsborough County delegation the committee will need more time to study this bill. Vote 18-0.

**HB 236**, to include a person who is being stalked in the definition of "family household member" for purposes of the domestic violence law. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: There is no current mechanism for a person being stalked to obtain a restraining order. This legislation allows such person to apply to the courts for a restraining order in the same manner as a victim of domestic violence. Vote 18-0.

#### **Amendment (0644h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** to allow a person who is being stalked to obtain a protective order.

Amend the bill by replacing all after the enacting clause with the following:

1 Cross Reference Added. Amend RSA 633:3-a, I(d)(5) to read as follows:

(5) After being served with, or otherwise provided notice of, a protective order pursuant to RSA 173-B [or], RSA 458:16, *or paragraph III-a of this section*, or an order that prohibits the person from having contact with specific individuals pursuant to RSA 597:2, on a single occasion and in violation of the provisions of such order to:

2 Cross Reference Added. Amend RSA 633:3-a, III to read as follows:

III. For purposes of this section, a person who engages in acts which would constitute stalking after having been advised by a law enforcement officer as defined in RSA 630:1, II that *[his] the person's* acts were in violation of this chapter, *or a person who has been served with a protective order issued pursuant to paragraph III-a of this section*, shall be presumed to have acted knowingly.

3 New Paragraph. Amend RSA 633:3-a by inserting after paragraph III the following new paragraph:

III-a. A person who has been the victim of stalking as defined in this section may seek relief by filing a petition in the district court or the superior court in the county or district where the plaintiff or defendant resides. Upon a showing of stalking by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of stalking. The types of relief that may be granted, the procedures and burdens of proof to be applied in such proceedings, the methods of notice, service, and enforcement of such orders, and the penalties for violation thereof shall be the same as those set forth in RSA 173-B.

4 Cross Reference Added. Amend RSA 633:3-a, V to read as follows:

V. Any law enforcement officer may arrest, without a warrant, any person that the officer has probable cause to believe has violated the provisions of this section when the offense occurred within 6 hours, regardless of whether the crime occurred in the presence of the officer. A law enforcement officer shall arrest a person when he has probable cause to believe a violation of the provisions of this section has occurred within the last 6 hours when the offense involves a violation of a protective order issued pursuant to RSA 173-B [or], RSA 458:16, *or paragraph III-a of this section*.

5 Effective Date. This act shall take effect January 1, 1998.

#### AMENDED ANALYSIS

This bill allows a person who is being stalked to obtain a protective order under the same procedures and conditions as those issued for victims of domestic violence.

**HB 458-FN**, relative to the elements of simple assault and relative to certain persons with prior convictions for first degree, second degree, or simple assault. **INEXPEDIENT TO LEGISLATE**  
Rep. Stephen J. Adams for Criminal Justice and Public Safety: The subject matter in this bill will be discussed in HB 480 which was recommended as "re-referred" by our committee. Vote 16-0.

**HB 467-FN**, relative to felonious activities relating to wireless telephone cloning. **RE-REFER TO COMMITTEE**

Rep. Stephen J. Adams for Criminal Justice and Public Safety: The committee feels this bill addresses an existing problem with theft of wireless phone service, but needs further information from the industry representatives. There are also problems with penalties conflicting with existing statutes. Vote 18-0.

**HB 480**, revising the law relative to protection of persons from domestic violence. **RE-REFER TO COMMITTEE**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The committee felt that rather extensive revisions and additions are needed to make this bill acceptable. Vote 18-0.

**HB 532-FN**, relative to the transportation of alcoholic beverages by a minor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill was amended by the committee making two changes to the current law. First, it makes illegal transportation a violation as it was not before and second, it says that the court *may* require attendance and successful completion of the impaired driver intervention program before restoration of the license. Vote 15-2.

#### Amendment (0544h)

Amend the bill by replacing section 1 with the following:

1 Transportation of Alcoholic Beverage By a Minor; Attendance at Impaired Driver Intervention Program. Amend RSA 265:81-a, I to read as follows:

I. Notwithstanding RSA 265:81, II, no driver under the age of 21 shall, except when accompanied by a parent, legal guardian or legal age spouse, transport any liquor or beverage in any part of a vehicle. A driver violating this section *shall be guilty of a violation and* may have his *or her* license or right to drive suspended for 60 days. *The court may also require attendance and successful completion of the impaired driver intervention program or similar program approved as provided in RSA 263:65-a, prior to restoring the license or driving privilege of any person whose license or privilege has been revoked or suspended pursuant to this paragraph.* The words “liquor” and “beverage” as used in this section shall have the same meanings as defined in RSA 175:1. “Legal age spouse” means a person 21 years of age or older.

#### AMENDED ANALYSIS

This bill makes transportation of an alcoholic beverage by a minor a violation, and allows a court to require a person under 21 years of age, who is convicted of transporting alcoholic beverages, to attend and successfully complete the impaired driver intervention program or similar program, prior to restoring the person’s driving privileges.

**HB 559-FN**, relative to crimes against persons under 13 years of age. RE-REFER TO COMMITTEE  
Rep. Richard F. Doucette for Criminal Justice and Public Safety: This bill would make negligently causing the death of a child under the age of 13 a class A felony under the negligent homicide statute. The penalty for a class A felony is 7 to 15 years incarceration. The committee agrees with the motives but would like to study the penalty and possible fiscal impact on the state. Vote 17-0.

**HB 565-FN**, relative to penalties for joy-riding and car theft across state lines. RE-REFER TO COMMITTEE  
Rep. L. Randy Lyman for Criminal Justice and Public Safety: While the committee agreed that there is a need for some type of legislation, this particular bill needs considerable revision to be sure the offense classification is correct. Vote 18-0.

**HB 573-FN**, repealing administrative suspension of driver’s licenses for driving while intoxicated. INEXPEDIENT TO LEGISLATE  
Rep. Herbert R. Hansen for Criminal Justice and Public Safety: Driving while intoxicated is such a serious public offense that those testifying and the committee felt that this law should stay as it is. Vote 19-0.

**HB 583-FN**, relative to felonious disarming of a law enforcement officer. RE-REFER TO COMMITTEE  
Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill would make an individual who takes a firearm from a law enforcement officer guilty of a class A felony. Currently, a person who uses force to escape from a law enforcement officer is guilty of a class A felony. The committee voted to further study to determine if such a new class of felony is needed. Vote 18-0.

**HB 614-FN**, making any person who, while operating a motor vehicle, fails to yield in certain circumstances guilty of a class B misdemeanor if such failure results in an accident or an injury. INEXPEDIENT TO LEGISLATE  
Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill creates a class “B” misdemeanor for failure to yield, with an accident or injury resulting. The committee has read RSA 265:30, I, II, & III and does not believe sufficient evidence was presented to make a criminal penalty for failure to yield. Vote 18-0.

**HB 665-FN**, establishing the crime of felony murder. RE-REFER TO COMMITTEE  
Rep. Lori Cardin for Criminal Justice and Public Safety: This bill would essentially establish a new Class A felony that makes a person guilty of second degree murder if the foreseeable death of another occurs as a result of committing a felony. This bill was prompted as a result of the Hudson armored car heist where two guards were murdered in the normal course of their employment while other actors were committing a felony. This is a good bill and the committee would like to take the time to study the merits of it. Vote 16-0.

**HB 669-FN**, enhancing penalties for violations of laws regulating underground storage facilities. INEXPEDIENT TO LEGISLATE

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: The committee feels that this legislation is not needed at this time. The Department of Environmental Services seeks to increase penalties to the level of Class B felony for knowingly violating any provision of RSA 146-C, the underground storage tank statutes or any rule pertaining to such tanks. There have so far only been two cases where this penalty would have been considered out of a potential 6,000 underground storage tanks. In 1990, there were 10,000 such tanks. Currently only 2,500 tanks need to be upgraded or removed before December 1998. Vote 18-0.

**HB 672-FN-L**, relative to lowering the allowable alcohol concentration for persons under 21 operating OHRVs. **OUGHT TO PASS**

Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill lowers the allowable alcohol concentration for persons under 21 operating OHRVs, and conforms with penalties that pertain to under 21 motor vehicle violations. Vote 19-0.

**HB 673-FN**, establishing a penalty for committing certain offenses while aboard an aircraft which lands in this state and relative to the jurisdiction of law enforcement officers and the courts over persons committing offenses in an aircraft landing in this state. **INEXPEDIENT TO LEGISLATE**  
Rep. Bruce F. Hunter for Criminal Justice and Public Safety: This bill would establish that any offenses committed during the flight of any passenger aircraft within the jurisdiction of the United States shall be deemed to continue through the time that such aircraft lands in the state of New Hampshire. If the offense actually happened in air space over New York, it is a stretch to prosecute in New Hampshire for crimes committed outside the state. The problems outweighed the solutions. Vote 19-0.

**HB 682-FN-L**, requiring law enforcement agencies to notify certain community organizations when a sexual offender moves into the community. **RE-REFER TO COMMITTEE**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill needs an amendment to make it comply with requirements for obtaining federal funds. In addition, more work is needed to insure that the list of organizations to be notified is complete. Vote 17-0.

**HB 684-FN**, relative to drivers who purposely neglect to stop when under pursuit by a law enforcement officer. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: Presently, if you fail to stop for a police officer RSA 265:4 makes it a violation under most circumstances. However, if any person other than the driver of the pursued vehicle sustains personal injury in a collision resulting from the driving of a vehicle which is evading pursuit by a law enforcement officer, the driver of such pursued vehicle shall be guilty of a class B felony. The committee felt these punishments were appropriate as is. Vote 18-0.

**HB 685-FN**, relative to the assault of a law enforcement officer acting in the line of duty. **INEXPEDIENT TO LEGISLATE**

Rep. Paul K. Chase, Jr. for Criminal Justice and Public Safety: The committee felt that the concerns expressed in this bill were in fact closely associated with those concerns that were addressed in HB 583 which was voted re-referred to committee for further study of these complex issues and to come back with a recommendation on that bill in the next session. Vote 18-0.

**HB 692**, relative to the use of certain court, case, and police records of delinquent children in sentencing for conviction of certain crimes as adults. **INEXPEDIENT TO LEGISLATE**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill called for courts sentencing adults convicted of certain crimes to consider certain juvenile court, case and police records of such adult to determine the sentence to be imposed. Since this same material is covered in re-referred HB 604, the committee voted this bill as inexpedient to legislate. Vote 18-0.

**HB 694**, allowing law enforcement officers to make a video recording of certain communications without notification. **INEXPEDIENT TO LEGISLATE**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The sponsor requested that we find the bill inexpedient to legislate since audio recording by the police without notification is unlawful and video recording is already covered in current law. Vote 16-0.

**HB 730-FN**, relative to penalties for sexual misconduct by mental health counselors. RE-REFER TO COMMITTEE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill is intended to make a mental health counselor who engages in certain acts with a mental health client guilty of aggravated felonious sexual assault. Since a senate bill covering similar situations is forthcoming (SB 191), the committee voted to re-refer this bill to either be included in the senate bill or to replace it, if necessary. Vote 16-0.

**HB 735-FN**, adding certain conduct to that which constitutes aggravated felonious sexual assault and felonious sexual assault. OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This legislation enables charges of aggravated felonious sexual assault or felonious sexual assault to be brought against corrections officers or probation and parole officers who use their supervisory authority over a victim to coerce them to submit to a sexual act. We believe that people with mandated supervisory authority should be held to a higher standard. Vote 16-0.

**HB 752**, relative to the commission of robbery or burglary while armed with a deadly weapon, culpability for capital murder, and the potential death sentence for first degree murder. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill does three things. It makes robbery or burglary while armed with a deadly weapon when death results a capital crime. It adds to the list of conduct which constitutes capital murder and adds the death penalty as a potential sentence for first degree murder. The majority of the committee saw no need to expand the death penalty statute as it has not been used since 1939. Also, there is a huge potential cost to litigating appeals with regard to death sentences. Vote 14-2

**HB 764-FN**, relative to a person subject to a domestic violence petition applying to purchase a handgun. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen J. Adams for Criminal Justice and Public Safety: This bill would make an attempt to purchase a firearm while subject to protective order or restraining order a punishable offense. Also, included would be same day cancellation notification when a protective or restraining order is lifted. Vote 14-2.

### Amendment (0506h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to a person subject to a domestic violence petition applying to purchase a firearm.

Amend the bill by replacing section 1 with the following:

I New Section; Felonious Attempt to Purchase a Firearm. Amend RSA 159 by inserting after section 3-a the following new section:

159:3-b Felonious Attempt to Purchase a Firearm.

I. No person who is subject to a protective order or restraining order issued pursuant to RSA 173-B:4, RSA 173-B:6, or RSA 458:16, I(a), (b), or (c); a foreign order as defined in RSA 173-B:11-b; or pursuant to the court's equitable powers, and who knows that such protective order has been issued, shall attempt to purchase a firearm while the order is in effect.

II. Any person who violates paragraph I shall be guilty of violation for the first offense and shall be guilty of a class A misdemeanor for the second offense.

III. For purposes of this section, "firearm" has the meaning given that term in section 921 of Title 18 of the United States Code.

### AMENDED ANALYSIS

This bill prohibits a person, who is subject to a protective order and who knows that such protective order has been issued, from attempting to purchase a firearm while the order is in effect. The bill makes any person who violates this prohibition guilty of a violation for the first offense and guilty of a class A misdemeanor for the second offense. This bill also requires any court issuing a protective order to notify the department of safety by facsimile machine when a protective order has been canceled or expired on the same business day.

**HB 770-FN**, relative to blood testing in the instance of motor vehicle fatalities and other instances. **OUGHT TO PASS**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: Only one person testified on this bill and that testimony was in strong support of the changes in the bill. The bill makes technical changes to the Fish and Game, Motor Vehicle and Boating Laws relative to the definition of alcohol. It updates the references to medical technicians and technologists instead of lab technicians, the admissibility of the external standard reference check to show that the instrument was properly calibrated, and the rules for preliminary breath test devices. The committee felt these changes served a very useful and needed purpose. Vote 16-0.

**HB 777-FN**, prohibiting a fish and game officer who makes an arrest for a fish and game violation from also being the prosecuting officer. **INEXPEDIENT TO LEGISLATE**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The testimony provided by witnesses indicated that of the approximately 200 trials annually that are prosecuted by the arresting officer, only one appears to have been controversial. Based on this and the increased cost to the state of approximately \$100,000 per year to have an independent prosecutor, the committee voted this bill inexpedient to legislate. Vote 17-0.

**HB 795-FN**, enhancing the penalties for DWI and driving after revocation and suspension and eliminating certain driver intervention programs. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen J. Adams for Criminal Justice and Public Safety: The committee will be studying the effectiveness of the multiple DWI intervention program in HB 271 and will also consider other penalties for violators that may be more effective. Vote 17-0.

**HB 328**, requiring certain proof of identification to register to vote on election day and relative to hour limitations on voting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Natalie S. Flanagan for Election Law: The amendment is now the bill. It allows persons who are waiting to register at the closing of the polls to register and vote. Vote 14-0.

#### **Amendment (0605h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to hour limitations on voting.

Amend the bill by replacing section 1 with the following:

I New Paragraph; Qualified Person to be Allowed to Vote. Amend RSA 654:7-a by inserting after paragraph II the following new paragraph:

III. Any person who is waiting to register to vote at the polling place on election day at the time scheduled for the closing of the polls shall be allowed to vote if determined to be qualified to register.

#### **AMENDED ANALYSIS**

This bill also requires that any person who is waiting to register to vote on election day at the time scheduled for the closing of the polling place be allowed to vote if they are found to be qualified to register.

**HB 377**, relative to primary election petitions. **INEXPEDIENT TO LEGISLATE**

Rep. Natalie S. Flanagan for Election Law: This bill has been taken care of by House Bill 276. Vote 17-0.

**HB 291**, relative to the use of the terms "native," "local," and "our own" when referring to farm products. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Babson Jr. for Environment and Agriculture: This bill defines the terms "native," "local," "locally grown" and others as related to agricultural produce. This is an effort on the part of the committee to support and promote the fine work of the Department of Agriculture, Markets and Food, and the farm community. Vote 13-0.

#### **Amendment (0637h)**

Amend the bill by replacing sections 3 and 4 with the following:

3 Use of the Terms "Native," "Local," and "Our Own." Amend RSA 426:5 to read as follows:  
426:5 Use of [Word] *Words* "Native," "Local," and "Our Own."

*I. No farm products sold, offered, or exposed for sale or distribution in the state shall be advertised, labeled, or described as "native" unless [the name of the state in which they were grown or produced appears immediately after the word "native". The provisions of this section shall not apply to eggs] they were grown or produced in the state of New Hampshire.*

*II. It shall be unlawful to advertise, label, or describe farm products sold, offered, or exposed for sale or distribution in this state in terms that are false, deceptive, or misleading as to the place of origin of the farm products. The term "our own" is deceptive when used to describe farm products unless they were grown or produced by the operator of the retail location. The terms "local," "locally grown," or "locally produced" are deceptive when used to describe farm products unless they were grown or produced within the state of New Hampshire.*

4 Stop Sale, Use, or Removal Orders. Amend RSA 426:7-a to read as follows:

426:7-a Stop Sale, Use or Removal Orders. When the commissioner or [his] *the commissioner's* authorized agent has reasonable cause to believe farm products advertised as "native," "local," "locally grown," "our own," or [~~New Hampshire organically grown~~] "locally produced" are being distributed in violation of any of the provisions of this chapter, or of any of the rules adopted under this chapter, [he] *the commissioner or agent* may issue and serve a written "stop sale, use or removal" order upon the owner or custodian of any such farm products. The farm products shall not be sold, used or removed until the provisions of this chapter have been complied with and the farm products have been released by the commissioner or the violation has been otherwise disposed of as provided in this chapter by a court of competent jurisdiction.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

Section 3 of this bill:

I. Restricts the use of the word "native" when used in a description of farm produce to produce grown in the state of New Hampshire.

II. Limits the use of the word "local" when referring to locally grown or locally produced farm products to those grown or produced within the state of New Hampshire.

III. Deems the term "our own" to be deceptive when used to describe farm products not grown or produced by the operator of a retail location.

Section 4 of this bill adds "local," "locally grown," "locally produced," and "our own" to the terms which when improperly used in advertising farm products may result in stop sale, use, or removal orders by the commissioner. The remainder of the bill amends certain provisions of RSA 426 making them gender neutral in accordance with RSA 17-A:6 relative to gender neutral drafting.

**HB 283**, establishing a study committee to examine the parity of salary scales between state troopers and other law enforcement officers. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would form a study committee to investigate the parity of troopers salary scales. This is a subject that the troopers should study and bring to the negotiating table for resolution. The legislature should not interfere with the collective bargaining process. Vote 18-0

**HB 346**, relative to the effect of federal law on any reorganization of the executive branch. **INEXPEDIENT TO LEGISLATE**

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill adds the term "constitutional" to RSA 21-8:16. Addition of this term in the statute on reorganization would have the effect of requiring all statutes and rules promulgated by the federal government to be proven constitutional before the state agencies would have to comply with federal requirements. This is not an acceptable means of interaction between the state and federal governments. Vote 17-0.

**HB 540**, establishing a committee to study the possibility of requiring government agencies to provide a training and development policy instead of the current method of policing, penalizing, and fining business owners for infractions of the law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kipp A. Cooper for Executive Departments and Administration: The committee felt that the goals of this bill were laudable and that the establishment of the committee was appropriate to study ways by which state agencies may provide training and policies which will serve as incentives for

small businesses to adhere to laws and rules rather than solely relying on punitive measures. This would serve to reduce the adverse impact and chilling effect that state interventions often have on small business activity. Vote 17-0.

### Amendment (0599h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study ways in which state agencies can be encouraged to assist small businesses to develop practices that comply with state law.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study ways in which state agencies can be encouraged to assist small businesses to develop practices that comply with state law.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study ways in which state agencies can be encouraged to assist small businesses to develop practices that comply with state law. Committee responsibilities should include, but not be limited to, a study of methods of requiring state agencies to provide training and development policies which will serve as incentives for small businesses to comply with laws and rules including education, community awareness, and public recognition. Agencies could consider, as a first response, adopting proactive, preventative solutions rather than current reactive punitive measures, for the purpose of reducing the adverse impact and chilling effect that state intervention often has on small business activity in New Hampshire.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 30 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study ways in which state agencies can be encouraged to assist small businesses to develop practices which comply with state law.

**HB 545**, making the term of the attorney general coterminous with that of the governor. **INEXPEDIENT TO LEGISLATE**

Rep. Sylvia A. Holley for Executive Departments and Administration: Presently, the term of attorney general runs from March 31 to March 31 for 4 years. On March 5, 1997, the house passed CACR 1 which changes the term of the governor to 4 years. In light of this, the committee decided to leave the 4 year term of the attorney general as it now stands. Vote 17-0.

**HB 745-FN**, relative to the compensation of the members of the workers' compensation appeals board. **INEXPEDIENT TO LEGISLATE**

Rep. Myron S. Steere, III for Executive Departments and Administration: This bill would change the compensation to members of the workers' compensation appeals board from \$150 per diem to an hourly rate as determined by the commissioner of labor. The committee heard testimony from legislative audit, commissioner of labor, and members of the board. As a result of the hearing, the committee did not believe the change was necessary. Vote 18-0.

**HB 749-FN**, requiring group I retirement system members to be incapacitated for any gainful employment before receiving accidental disability retirement benefits. **RE-REFER TO COMMITTEE**

Rep. Merton S. Dyer for Executive Departments and Administration: Present statutes require a group I employee member of the NHRS to be incapacitated for further performance of duty before receiving accidental disability retirement. This bill would change the definition of any gainful employment.

This would mean that employees injured on the job and not able to continue in their present position might be employed in another position. This portion of the statute applies only to employee members of the NHRS, both state and local employees and does not affect teachers, police, or fire personnel. The full information on the number of employees, the type of injuries and the effect of workman's compensation was not available at the time this bill had to be reported, therefore, the committee is requesting re-referral of this bill to properly study the question. Vote 18-0.

**HB 290**, relative to electronic signatures. RE-REFER TO COMMITTEE

Rep. Carol H. Holden for Judiciary and Family Law: Under the provisions of this bill electronic signatures are given the same force and effect as written signatures. Electronic commerce will be the new way of doing business. The secretary of state would have the authority to issue certificates to verify the digital signatures. The heads of the state agencies would be required to implement the control processes and procedures. The committee wants the opportunity to see how this process could be implemented in New Hampshire. Vote 12-0.

**HB 326**, requiring that parties filing for divorce attempt a mutually agreeable divorce settlement through mediation prior to proceeding with the adversarial process. INEXPEDIENT TO LEGISLATE

Rep. Wayne T. Moynihan for Judiciary and Family Law: The committee is very supportive of the concept of alternative dispute resolution (ADR). Divorce mediation is a form of ADR that the committee seeks to encourage. However, this bill seeks to do too much. This bill would make it mandatory for all couples seeking divorce to undertake mediation before the couple could proceed in a court of law. This requirement would be imposed on all couples whether the couple wanted to use such a service or not. There may not be a sufficient number of qualified, affordable, and accessible mediators around the state to allow such a requirement to be met. Mediation is most successful when the process is approached by the parties on a voluntary basis and not when it is forced upon them. There was significant opposition to the bill. Couples are free to attempt mediation before commencing divorce proceedings. The rules of the superior court already include provisions that allow for suspension of proceedings whenever a couple seeks to attempt mediation. No need for this legislation was evident. Mandatory mediation was not found to be good policy Vote 12-0.

**HB 369**, relative to the admission to practice and bar association membership for attorneys. INEXPEDIENT TO LEGISLATE

Rep. Cynthia A. McGovern for Judiciary and Family Law: There was no public testimony in support of this bill. While some committee members agreed with the sponsor, with respect to a required or mandated professional association, there was no strong argument for changing it. Vote 12-0.

**HB 395**, repealing the exemption for teacher certification records from the right-to-know law. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary and Family Law: No one but the sponsor testified for this bill. The Department of Education testified that on a periodic basis they publish the list of names of people whose certification has been revoked. Most of the information the sponsor wants is available. However, some information is not kept in Concord; such as which out of state college a person graduated from, only in-state vs out-of-state. We must remember the decision on who to hire is made at the local school district Vote 12-0.

**HB 444**, extending the reporting date for the house committee to study the state investigation of the late John C. Fairbanks. INEXPEDIENT TO LEGISLATE

Rep. Alf E. Jacobson for Judiciary and Family Law: The concerns of this bill are incorporated into HB 688-FN-A. Vote 12-0.

**HB 512-FN**, requiring mediation in domestic cases involving minor children. INEXPEDIENT TO LEGISLATE

Rep. Wayne T. Moynihan for Judiciary and Family Law: This bill will make divorce mediation mandatory for all couples seeking divorce if they have minor children. This bill is different from HB 326 because the requirement for mediation is imposed only upon couples who have minor children. Again, the committee believes that mediation may be advisable, especially in cases where there are minor children who would be affected by the divorce. However, the bill would impose the mediation process upon couples who may not want or need to undertake that process. Media-

tion is most successful when it is approached by the parties on an voluntary basis and not when it is imposed upon them. There was limited support for the bill and mixed opposition. The accessibility and affordability of qualified mediators is limited. A pilot program is in effect in the superior court that does require that couples with minor children attend information seminars which address the effect of divorce on children. This court program better serves the need this bill seeks to address because, while it is a required course, it has a low limited cost and does not force the parties into mediation where the circumstances of the parties make mediation unnecessary or inappropriate. While some other states apparently make mediation mandatory, it is not good policy for New Hampshire. Vote 11-2.

**HB 518-FN**, requiring administrative agents to obtain warrants based upon probable cause to perform searches or inspections. **INEXPEDIENT TO LEGISLATE**

Rep. Marjorie K. Smith for Judiciary and Family Law: The sponsor did not appear. The committee heard testimony from representatives from three departments, each of whom spoke in opposition because such a law would make it impossible to enforce existing regulation protecting the public in areas as diverse as food service and preparation, communicable diseases, and liquor enforcement. Vote 13-0.

**HB 554**, relative to damages in suits brought by administrators of an estate. **OUGHT TO PASS**  
Rep. Sandra B. Keans for Judiciary and Family Law: This bill allows the surviving spouse of a victim of a wrongful death to recover damages for loss of consortium. Current law allows for such recovery in cases involving personal injury, but not death. Loss of consortium involves the loss of comfort, society, and companionship of the spouse who was killed by someone's negligence. This bill passed the House last year on a voice vote. The committee agreed with the testimony we heard that this was a fairness issue. Vote 12-0.

**HB 555**, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment. **RE-REFER TO COMMITTEE**

Rep. Sandra B. Keans for Judiciary and Family Law: The committee agrees with the sponsor that the area of pensions needs to be studied, but time constraints do not allow us to do a good job. The committee needs time to be thorough. The sponsor supports re-refer. Vote 13-0.

**HB 595-FN**, protecting consumers from the unlicensed practice of law. **RE-REFER TO COMMITTEE**  
Rep. Carol H. Holden for Judiciary and Family Law: After hearing considerable testimony, the committee determined that there were many questions that needed to be addressed on the proposed remedies and civil penalties on the unlicensed practice of law. Vote 12-0.

**HB 608-FN**, providing that a district court shall not require the department of health and human services to certify a particular provider of children's services. **INEXPEDIENT TO LEGISLATE**  
Rep. Wayne T. Moynihan for Judiciary and Family Law: The committee studied this bill carefully. A great deal of information was presented pro and con at the public hearing. Ongoing litigation over the language of the existing statute was reviewed. The Department of Health and Human Services already has the right to use its discretion as to whether or not a particular provider of services will or will not be certified. The number of out-of-state placements for troubled youth has been reduced from 174 in 1994 to 68 in 1996. The trend continues to decline. The department has developed more in-state programs for the specialized treatment required by some troubled youth. The district court does not have a blank check or the power to order the department to certify particular providers. It was considered important not to diminish the role of the district court as the final arbiter of what services a child may need and the best option for treatment. To the extent that a problem existed in this area, it has been effectively addressed within the existing statutory framework. Vote 17-0.

**HB 623**, allowing a landlord or housing owner under the housing finance authority to terminate a tenancy to allow a family member to occupy the premises. **INEXPEDIENT TO LEGISLATE**  
Rep. Susan J. Clay for Judiciary and Family Law: This bill is not needed for the following reasons: there is already in the landlord/tenant laws the ability to remove tenants at will. There is also reasonable protection for landlords to remove tenants who have leases. Vote 14-0.

**HB 624**, subjecting certain payments made to public employees upon resignation, discharge, or retirement to the right-to-know law. **OUGHT TO PASS**

Rep. Sandra B. Keans for Judiciary and Family Law: The committee agreed with the sponsor that when a public employee is terminated, the financial payment should be public information available under the right-to-know law. This bill does not in any way provide for disclosure of personnel issues. Vote 16-0.

**HB 711**, relative to post-termination commissions. **OUGHT TO PASS**

Rep. Paul M. Mirski for Judiciary and Family Law: At present, unscrupulous manufacturers may withhold commissions due manufacturers representatives for services rendered, knowing that the cost to manufacturers representatives to pursue justice in the courts may well exceed sums due. This bill will introduce an element of fairness into the relationship between the two parties as far as payment of commissions are concerned. Vote 16-0.

**HB 773-FN**, relative to intentional interference with child custody and visitation. **OUGHT TO PASS**

Rep. Deborah L. Woods for Judiciary and Family Law: This bill addresses a real problem in many domestic cases involving child custody and visitation issues. It carries real consequences for those who, on a recurring basis, intentionally violate court-ordered custody visitation. This legislation adds additional remedies for those parents who are hurt by the actions of the other parent and kept from their children. Vote 16-0.

**HB 774-FN**, relative to child support, custodial rights, and visitation. **RE-REFER TO COMMITTEE**

Rep. Deborah L. Woods for Judiciary and Family Law: The public hearing on this bill was not held until 3/10/97. It is good legislation that needs a few changes. The committee is also mindful that Senate Bill 192 will be before the committee this session. That bill is very similar to HB 774-FN and may very well be a good vehicle to make corrections. Vote 17-0.

**HB 787-FN**, requiring the executive council to hold public hearings on judicial appointments. **OUGHT TO PASS**

Rep. Alf E. Jacobson for Judiciary and Family Law: This bill establishes the requirement that the Executive Council shall hold a public hearing prior to confirmation of nominees for judges in the courts of New Hampshire. Vote 14-0.

**HB 793**, limiting the civil liability of persons engaged in equine activities. **RE-REFER TO COMMITTEE**

Rep. Carol H. Holden for Judiciary and Family Law: The committee recommends that this bill be re-referred to committee. Testimony indicated that horse shows, county fairs, dog shows and other similar events need study. Litigation, due to presumed liabilities, in these other events will be considered along with those presented by the equine industry. Vote 11-4.

**HB 802**, relative to judgments on past due rent and judgments for eviction. **RE-REFER TO COMMITTEE**

Rep. Sandra B. Keans for Judiciary and Family Law: The committee has re-referred several tenant/landlord bills this session and would like this issue to be a part of the study. Vote 14-0.

**HB 805**, relative to homestead rights and revocable trusts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Wayne T. Moynihan for Judiciary and Family Law: The bill protects citizens from the inadvertent loss of their homestead right when they transfer property to revocable trusts as a part of an estate planning or other process. An amendment was adopted to place the language of the bill within the homestead title of the statute, and to insure the applicability of the changes to as many existing trusts as possible. A need was demonstrated and the bill solved the problem. Vote 12-0.

#### **Amendment (0582h)**

Amend the bill by replacing section 1 with the following:

1 New Section; Homestead Rights. Amend RSA 480 by inserting after section 8-a the following new section:

480:9 Homestead Rights. A conveyance of real property by deed to one or more trustees of a revocable trust shall not result in the loss of homestead rights of any person executing the deed (unless the deed contains an express release of homestead rights by such person) provided that such

retained homestead rights in any such property shall not be enforceable against any other person to the extent such other person acquired an interest in or lien on the property after its conveyance into the trust without having notice of the revocability of the trust. Such notice may be given by the inclusion of the word "revocable" in the name of the trust as recited in the deed, or by the recitation in the deed or a subsequently recorded document that at the time of the conveyance the trust was a revocable trust.

**HB 429**, establishing a committee to study unemployment compensation as it relates to the contingent work force and to women workers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Wanda G. McNamara for Labor, Industrial and Rehabilitative Services: This bill charges the Unemployment Compensation Advisory Council with the responsibility to study unemployment compensation as it relates to the contingent work force and low wage workers. The act will take effect upon passage to allow the council to prepare its report and recommendations by the November 1, 1997, deadline. Vote 15-0.

### **Amendment (0627h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** charging the advisory council on unemployment compensation with the task of studying the issue of unemployment compensation as it relates to the contingent work force and low wage workers.

Amend the bill by replacing all after the enacting clause with the following:

#### **1 Purpose.**

I. Since 1980, there has been a significant increase in the growth of part-time employment in the New Hampshire economy. This contingent work force is often lower paid, lacks job security, and typically lacks benefits like health insurance or pensions. Women and younger workers are over-represented in this sector.

II. The unemployment compensation system has not adapted to these significant changes. At the inception of unemployment compensation, the system was premised on a one wage-earner family, where one adult worked outside the home and the other worked in the home. Since that time, women have come into the work force in much larger numbers.

III. There is a need for unemployment compensation to respond to the changed needs prompted by the changing economy. Workers often must attempt to balance work and family responsibilities. These workers sometimes must restrict the time of day they are available for work or their number of hours of work per day or week due to care-giving responsibilities. The unemployment compensation system has failed to examine the implications of the increased role of women in the economy. Therefore, the general court finds it necessary to study the issue of unemployment compensation as it relates to the contingent work force and low wage workers.

2 Advisory Council on Unemployment Compensation. The advisory council on unemployment compensation, established under RSA 282-A:128, shall study the issue of unemployment compensation as it relates to the contingent work force and to low wage workers.

3 Compensation. The advisory council, when attending to its duties under this act, shall be reimbursed in accordance with RSA 282-A:130.

4 Duties. The advisory council shall study, take public testimony, make recommendations and prepare a report on issues including, but not limited to; part-time workers who qualify for benefits, but who then must look for full-time work; the issue of leaving work due to lack of child care, or other domestic reasons; and the issue of monetary qualifications for benefits. The advisory council shall seek and invite, by letter, input from the New Hampshire Women's Lobby, New Hampshire Legal Assistance, the Coalition Against Domestic Violence, and the Civil Practice Clinic of the Franklin Pierce Law Center.

5 Chairman; Quorum. The chairman of the advisory council shall call the first meeting on the issues outlined in this act within 45 days after the effective date of this section. Three members of the council shall constitute a quorum.

6 Report. The advisory council shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

7 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill charges the advisory council on unemployment compensation with the additional duty of studying the issue of unemployment compensation as it relates to the contingent work force and to low wage workers.

**HB 478**, requiring certain notices to be posted at certain job sites for purposes of workers' compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph D. Kenney for Labor, Industrial and Rehabilitative Services: This bill requires contractors, subcontractors, and independent contractors engaged in the nonresidential building or construction industry to provide a workers' compensation compliance statement, upon request. No contractor, subcontractor, or independent contractor, however, would be required to deliver to the commissioner a requested workers' compensation compliance statement more than twice in one calendar year. The committee felt this bill provides a better legal playing field to offset any misrepresentation of workers' compensation payment in the building industry. Vote 14-0.

## Amendment (0657h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to workers' compensation compliance statements and making a technical correction.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Compliance Statement. Amend RSA 281-A by inserting after section 4 the following new section:

281-A:4-a Workers' Compensation Compliance Statement.

I. Within 30 days following a written request from the commissioner, any building or construction industry contractor, subcontractor or independent contractor engaged in the nonresidential building or construction industry shall deliver to the commissioner a workers' compensation compliance statement. The workers' compensation compliance statement shall state the total number of employees employed during the 4-month period preceding the request and shall state the total number of hours the contractor, subcontractor, and independent contractor compensated such employees during that 4-month period and which hours apply to the appropriate National Council on Compensation Insurance (NCCI) classification code applicable to the scope of work performed. Any contractor, subcontractor, or independent contractor who fails to comply with this section or who falsifies information on the statement may be fined up to \$1,000 for each week of noncompliance beginning on the date of such failure or falsification. The commissioner shall be entitled to all costs and fees directly associated with obtaining any information not properly made available under this section. All moneys collected as a fine under this section shall be forwarded to the state treasurer and deposited into the general fund. The commissioner shall make available a form as may be needed to comply with this section.

II. Any person may request that the commissioner provide such person with a copy of a contractor, subcontractor, or independent contractor's workers' compensation compliance statement. If the commissioner deems it necessary, the commissioner shall obtain such statement from the contractor, subcontractor, or independent contractor and shall make it available to the requesting party. The commissioner shall be required to obtain and provide the requested compliance statement if the requesting person submits evidence to the commissioner of a contractor's, subcontractor's, or independent contractor's noncompliance with RSA 281-A. No contractor, subcontractor, or independent contractor, however, shall be required to deliver to the commissioner a requested workers' compensation compliance statement more than twice in one calendar year.

2 Technical Correction. Amend RSA 281-A:2, VII(b) to read as follows:

(b) "Employee," with respect to public employment shall not include any inmate of a county or state correctional facility who is, under RSA 651, required or allowed to work or perform services for which no significant remuneration is provided, *any volunteer not covered under RSA 281-A:2, VII(a)(2) through (5), who performs services for which no significant remuneration is provided*, or any participant performing community service work under a court order or the provisions of a court diversion program. "Employee," with respect

to public employment, shall include any person participating in a local welfare work program established under RSA 165:31; however, the local governing body may vote to make the provisions of this chapter not applicable to local welfare work program participants through guidelines adopted under RSA 165:1, II.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 1998.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill requires contractors, subcontractors, and independent contractors engaged in the non-residential building or construction industry to provide a workers' compensation compliance statement, upon request.

This bill also makes a technical correction in RSA 281-A:2.

**HB 615-FN**, allowing group accounts for certain employers under the unemployment compensation laws. **INEXPEDIENT TO LEGISLATE**

Rep. Franklin C. Bishop for Labor, Industrial and Rehabilitative Services: After considerable deliberation and review of the issue, it was determined by the sponsor and the committee that the current law addresses the concerns. Vote 14-0.

**HB 381**, relative to public recreation and park areas in municipalities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Norma A. Sabella for Municipal and County Government: This bill as amended is meant to overcome obstacles to combining municipal recreation departments with other departments/commissions. This will improve the relevant statute and make the statute dealing with parks and recreation more effective. Vote 16-0.

### Amendment (0649h)

Amend the bill by replacing all after the enacting clause with the following:

1 Officials and Powers. Amend the introductory paragraph of RSA 35-B:3 to read as follows: The power conferred by RSA 35-B:1 may be exercised by ~~[any commission or board]~~ **a recreation or park commission or any other board or commission** as authorized by the governing body of the political subdivision and charged with the responsibility of providing leisure-time services within the political subdivisions' jurisdiction. These powers may be divided ~~[between any combination of boards]~~ as ~~[dictated]~~ **directed** by the governing body. The ~~[boards or combination of boards]~~ **commission** shall have powers as are necessary to carry out the purpose for which ~~[they are]~~ **it is** created. These powers may include but not be restricted to the power:

2 Grammatical Change. Amend RSA 35-B:3, VIII to read as follows:

VIII. To hold trust or manage public property useful to the accomplishment of ~~[their]~~ **its** objectives.

3 Appointment of Commission. Amend RSA 35-B:4 to read as follows:

35-B:4 Recreation or Park Commission. If any town, city, county, or village district decides that the above powers shall be exercised by a recreation or park commission, it shall consist of citizens of such town, city, county, or village district who shall serve without pay. In cities the citizens shall be appointed by the mayor or city council, subject to provisions of the city charter; in towns by the selectmen; and in other political subdivisions by the governing body of ~~[said]~~ **the** subdivision. The persons initially appointed ~~[or elected]~~ to the commission shall serve staggered terms. Their successors shall be appointed under the same appointing procedure for 3 years. Vacancies as they occur shall be filled by the appointing authority for the unexpired term. Any city or town may by ordinance or resolution provide that the mayor or a selectman, or councilman, shall be an ex officio member of the commission.

4 Organization and Procedures of Recreation or Park Commission. RSA 35-B:5 is repealed and reenacted to read as follows:

35-B:5 Organization and Procedures of Recreation or Park Commission. The commission shall from its own number elect a chairperson, secretary, and other necessary officers to serve one year, or until their successors are elected. The commission shall meet at least quarterly. All regular meetings of the commission shall be open to the public. A majority of the members of the commission shall constitute a quorum. Any action is not official unless authorized by a majority of the

total membership. The commission shall also have the power to adopt other rules of procedure and prescribe regulations for the conduct of all business within its jurisdiction necessary to carry out the functions for which it was created.

5 Effective Date. This act shall take effect 60 days after its passage.

**HB 502-L**, placing limitations on warrant articles at special meetings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill defines the term "emergency" for the purpose of special town and school district meetings. It incorporates as a minimum the factors described in recent decisions of the NH Supreme Court. Vote 14-2.

**Amendment (0615h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Special Town Meetings. Amend RSA 31:5, I to read as follows:

I.(a) No money shall be raised or appropriated or shall any appropriation previously made be reduced or rescinded at any special town meeting except by vote by ballot, nor unless the ballots cast at such meeting shall be equal in number to at least 1/2 of the number of legal voters borne on the checklist of the town *entitled to vote* at the annual or biennial election next preceding such special meeting; and such checklist, corrected according to law, shall be used at any meeting upon the request of 10 legal voters of the town. This section shall not apply to money to be raised for the public defense or any military purpose in time of war. In case an emergency arises requiring an immediate expenditure of money, the selectmen may petition the superior court for permission to hold a special town meeting which, if granted, shall give said meeting the same authority as ~~[that of]~~ an annual town meeting.

(b) *"Emergency" for the purposes of this section shall mean a sudden or unexpected situation or occurrence, or combination of occurrences, of a serious and urgent nature, that demands prompt, or immediate action, including an immediate expenditure of money. This definition, however, does not establish a requirement that an emergency involves a crisis in every set of circumstances.*

(c) *To verify that an emergency exists, a petitioner shall present, and the court shall consider, a number of factors including:*

- (1) *The severity of the harm to be avoided.*
- (2) *The urgency of the petitioner's need.*
- (3) *Whether the claimed emergency was foreseeable or avoidable.*
- (4) *Whether the appropriation could have been made at the annual meeting.*
- (5) *Whether there are alternative remedies not requiring an appropriation.*

2 Special School District Meetings. Amend RSA 197:3, I to read as follows:

I.(a) No school district at any special meeting shall raise or appropriate money nor reduce or rescind any appropriation made at a previous meeting, unless the vote thereon is by ballot, nor unless the ballots cast at such meeting shall be equal in number to at least 1/2 of the number of voters of such district entitled to vote at the regular meeting next preceding such special meeting; and, if a checklist was used at the last preceding regular meeting, the same shall be used to ascertain the number of legal voters in said district; and such checklist, corrected according to law, may be used at such special meeting upon request of 10 legal voters of the district. In case an emergency arises requiring an immediate expenditure of money, the school board may petition the superior court for permission to hold a special district meeting, which, if granted, shall give said district meeting the same authority as an annual district meeting.

(b) *"Emergency" for the purposes of this section shall mean a sudden or unexpected situation or occurrence, or combination of occurrences, of a serious and urgent nature, that demands prompt or immediate action, including an immediate expenditure of money. This definition, however, does not establish a requirement that an emergency involves a crisis in every set of circumstances.*

(c) *To verify that an emergency exists, a petitioner shall present, and the court shall consider, a number of factors including:*

- (1) *The severity of the harm to be avoided.*
- (2) *The urgency of the petitioner's need.*
- (3) *Whether the claimed emergency was foreseeable or avoidable.*

(4) *Whether the appropriation could have been made at the annual meeting.*

(5) *Whether there are alternative remedies not requiring an appropriation.*

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill defines the term "emergency," for the purposes of special town and school district meetings, as a sudden or unexpected situation or occurrence, or combination of occurrences, of a serious and urgent nature, that demands prompt or immediate action, including an immediate expenditure of money, but provides that a crisis is not a requirement of an emergency in every situation.

**HB 552-L**, clarifying the authority of municipalities to regulate the use of their highways which provide sole access to properties in adjoining municipalities. RE-REFER TO COMMITTEE  
Rep. Cynthia J. Dokmo for Municipal and County Government: This bill addresses issues concerning subdivisions which border on adjoining municipalities. The committee felt it needed an opportunity to further examine this complex matter. Vote 16-0.

**HB 679-FN-L**, repealing the limitation on zoning ordinance protest petitions. RE-REFER TO COMMITTEE

Rep. Paul A. McGuirk for Municipal and County Government: The particular repeal of a portion of RSA 675:5 as requested by HB 679 is attempting to clarify protest petitions submitted to amend or repeal zoning ordinances. The committee wishes to spend more time on this request. Zoning questions can be, at times, controversial. Vote 17-0.

**HB 701-L**, granting a municipality alternatives to accepting a tax deed to the property when the property owner is tax delinquent. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L Patten for Municipal and County Government: This bill allows a municipality to refuse to accept a tax deed/tax lien for more than just environmental reasons. For example, if the property includes a multi-family residence and the municipality does not want to be a landlord, the governing body does not have to accept that tax deed/tax lien. Also if the property is a condominium and the fees owed to the owners' association exceeds the amount of taxes due, the governing body does not have to accept the tax deed/tax lien. The bill also clarifies what does happen when the governing body refuses a tax deed/tax lien. There is a new section included which allows the governing body to dispose of the property "as justice may require" which includes being able to convey the property to a former owner or to a third party for the benefit of the former owner. Vote 17-1.

### Amendment (0592h)

Amend the bill by deleting section 1 and renumbering the original sections 2-6 to read as 1-5, respectively.

**HB 272**, relative to boat docking facilities. RE-REFER TO COMMITTEE

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill would regulate the location and design of boat docking facilities on public waters. Presently, the Department of Environmental Services is in the process of drafting proposed rules relating to shoreline structures. The committee believes it is best to re-refer this bill as well as HB 547 until a complete review of the rules takes place. Vote 17-0.

**HB 389**, relative to the water protection assistance program within the office of state planning. OUGHT TO PASS WITH AMENDMENT

Rep. Michael W. Downing for Resources, Recreation and Development: This bill clarifies the laws governing the water protection assistance program within the Office of State Planning. The current law offers no flexibility to municipalities who wish to tailor their water resources planning efforts to their specific local needs. Passing this bill will encourage and make it easier for communities to develop or include water resources in their community planning and removes the rule making process from the Office of State Planning. Vote 17-0.

### Amendment (0601h)

Amend RSA 4-C:20, I as inserted by section 1 of the bill by replacing it with the following:

I. The office shall ~~adopt rules under RSA 541-A to serve as a guide to~~ *prepare guidance materials for use by* municipalities in the development of local water resources management and

protection plans as provided in RSA 674:2, VIII, and other appropriate protection measures. *If the written guidance materials discuss any requirements which exist under state or federal law and which the office believes may be applicable to the municipalities' plans, the materials shall identify the source of such requirements.*

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Reports. The office of state planning and the department of environmental services shall report to the house resources, recreation, and development committee and to the senate environment committee by November 30, 1997 regarding standards for soils information for septic and subdivision requirements. Further, they shall report on efforts to develop consistent standards for soil mapping and characterization between the department of environmental services and the office of state planning.

### AMENDED ANALYSIS

This bill clarifies the laws governing the water protection assistance program within the office of state planning.

**HB 406**, relative to environmental disclosure by electric power facilities. RE-REFER TO COMMITTEE

Reps. Jeb E. Bradley and Clifton C. Below for Science, Technology and Energy: The issue of registration requirements for electric power suppliers, including environmental disclosure, is being addressed legislatively in HB 726 and administratively by the Public Utilities Commission. The committee wants to hold this bill as a vehicle to discuss the Bulk Power Facilities Statute which needs revision in the context of electric industry restructuring. Vote 14-0.

**HB 411**, authorizing municipalities to issue bonds for the purpose of defraying the cost of purchasing or taking public utility property. INEXPEDIENT TO LEGISLATE

Rep. Clifton C. Below for Science, Technology and Energy: The content of this bill has been incorporated into House Bill 528. Vote 18-0.

**HB 452**, establishing a legislative oversight committee on telecommunications restructuring and relative to aggregation of telecommunications services customers by municipalities and counties. OUGHT TO PASS WITH AMENDMENT

Reps. John H. Thomas and Jeb E. Bradley for Science, Technology and Energy: Passage of this bill will create a telecommunications oversight committee. With passage of both federal and state legislation that encourages increased competition in the telecommunications industry, the committee believes such oversight is appropriate. This legislation also reduces the approval time at the Public Utilities Commission for new telecommunication tariffs or services offered by a telephone utility from 9 months to 2 months. Speeding up this process will significantly improve the ability of phone companies to offer new services which will be of great assistance to businesses needing rapid access to these new services. Vote 18-0.

### Amendment (0703h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a legislative oversight committee on telecommunications restructuring and relative to approval by the public utilities commission of tariffs for new telephone services.

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Telecommunications Oversight Committee Established. Amend RSA 374 by inserting after section 22-g the following new sections:

374:22-h Oversight Committee; Establishment.

I. There shall be an oversight committee on telecommunications consisting of 14 members as follows:

(a) Seven members of the senate, appointed by the president of the senate.

(b) Seven members of the house science, technology and energy committee, appointed by the speaker of the house.

II. Membership on the oversight committee shall be for the biennium and shall be coterminous with membership in the general court.

374:22-i Organization and Compensation. The oversight committee shall have a chairperson who shall be chosen by vote from among the committee membership. The chairperson's term of office shall be for the biennium. The committee shall have a clerk who shall be chosen by vote by members of the committee. The clerk's term of office shall be for the biennium. The committee shall meet immediately upon the close of each legislative session. The legislative members of the committee shall receive legislative mileage when in performance of their duties.

374:22-j Duties of the Oversight Committee. The committee's duties shall include, but not be limited to:

I. Examining the restructuring of telecommunications services and rates.

II. Examining the issue of the resale of telecommunications services and the feasibility of facilitating the resale process.

III. Considering the feasibility and cost-effectiveness of installing certain high-speed telecommunications lines.

IV. Exploring the feasibility of establishing special rates for educational institutions, to the extent that it has not occurred.

V. Examining the issue of rural access and delivery.

VI. Examining the expansion of internet access to all parts of New Hampshire, including rural areas.

VII. Examining the improvement of access to on-line services.

VIII. Examining the issues of encryption and data security in computer networks.

IX. Examining the issue of municipal aggregation of local, toll, and other telecommunications services.

X. Submitting a report, together with any recommendations for legislation, to the speaker of the house of representatives, the senate president, and the governor on or before November 1 of each year.

2 Telecommunications Service Filings. Amend RSA 378:6, I(b) to read as follows:

(b) *Except as provided in RSA 378:6, IV, for* ~~For~~ all other schedules filed with the commission, the commission may, by an order served upon the public utility affected, suspend the taking effect of said schedule and forbid the demanding or collecting of rates, fares, charges or prices covered by the schedule for such period or periods, not to exceed 3 months from the date of the order of suspension, but if the investigation cannot be concluded within a period of 3 months, the commission in its discretion and with reasonable explanation may extend the time of suspension for 5 additional months.

3 New Paragraph; Approval of Tariffs for Telephone Services. Amend RSA 378:6 by inserting after paragraph III the following new paragraph:

IV. Any tariff for services filed for commission approval by a telephone utility, except a tariff reviewed pursuant to RSA 378:6, I(a), shall become effective as filed 30 days after filing, unless the commission amends or rejects the filing within the 30 day period. The commission may, in its discretion and with reasonable explanation, including an explanation of the likely areas of disagreement with the tariff, extend the time for its determination by up to 30 days. At its discretion, the commission may permit changes to existing tariffs to become effective in fewer than 30 days from the date of filing.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a legislative oversight committee on telecommunications restructuring.

This bill also provides for approval by the public utilities commission of tariffs for new telephone services.

**HB 482**, relative to the access and development of interstate computer network systems. RE-REFER TO COMMITTEE

Reps. Elizabeth K. Hoadley and Norman L. Major for Science, Technology and Energy: The bill requires a study relative to improving computer network systems access in New Hampshire. Even though some of these features have been folded into House Bill 452, we believe continued study is appropriate. Vote 18-0.

**HB 485**, relative to limited electrical energy producers. RE-REFER TO COMMITTEE  
Rep. Clifton C. Below & Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The Limited Electrical Energy Producers Act (LEEPA) needs comprehensive revision, with repeal of some provisions, in the context of electric industry restructuring and competitive choice of energy suppliers. The committee will continue its work on this bill. Vote 14-0.

**HB 651-FN-L**, relative to electric rate reduction financing. RE-REFER TO COMMITTEE  
Rep. Clifton C. Below & Rep. Jeb E. Bradley for Science, Technology and Energy: This is a complex bill with major policy implications. It addresses a financing technique called securitization that might help to reduce electric rates and facilitate restructuring of the electric utility industry. However, the committee has many questions and concerns to carefully consider before it is ready to make any final recommendation. Vote 18-0.

**HB 702-FN-L**, establishing procedures governing municipal acquisition of public utility property. INEXPEDIENT TO LEGISLATE

Rep. Jeb E. Bradley for Science, Technology and Energy: The issues regarding the public interest determination for municipalization are being considered in HB 528. The committee is also recommending re-referral of another bill, HB 750, which deals with municipalization issues. Vote 14-0.

**HB 750-FN-L**, relative to municipal water systems. RE-REFER TO COMMITTEE  
Rep. Harold V. Lynde and Rep. Norman L. Major for Science, Technology and Energy: Many of the provisions of this bill have been folded into HB 528, a more general amendment to the utility municipalization statutes. The committee wishes to re-refer this bill to serve as a vehicle to address additional utility municipalization concerns which require additional study. Vote 14-0.

**HB 754-FN**, relative to special gas and electric rates for customers dependent on life-support equipment. RE-REFER TO COMMITTEE

Rep. Donald B. White and Rep. Terie T. Norelli for Science, Technology and Energy: The committee feels this bill has merit. However, more research is required with respect to the scope of the problem, the costs involved, and the appropriate agency responsible for the administration of the program before making a final recommendation to the House. Vote 14-0.

**HJR 4**, urging the United States Congress and the Federal Energy Regulatory Commission to cooperate with state plans to restructure the electric utility industry. OUGHT TO PASS WITH AMENDMENT

Rep. Clifton C. Below & Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This resolution calls for federal action to clarify and affirm state jurisdiction over, and take other actions to support, implementation of retail competition in the electric utility industry. Congress is currently considering federal legislation on this issue. Vote 18-0.

#### Amendment (0739h)

Amend the resolution by replacing all after the title with the following:

Whereas, on May 21, 1996 New Hampshire became the first state in the nation to enact electric utility restructuring legislation, which provides for competitive retail customer choice of electric generation suppliers for all customers in 1998; and

Whereas, the United States Congress and the Federal Energy Regulatory Commission (FERC) by statute and orders have laid the groundwork for retail competition, by promoting wholesale competition in electricity markets through the adoption of the Energy Policy Act of 1992 and the issuance of FERC Order No. 888 promoting open access transmission services; and

Whereas, there remain some impediments and ambiguities in federal law relative to states' promotion of retail competition in electricity markets and the restructuring of the electric utility industry, and ambiguities in the boundary between federal and state jurisdiction; and

Whereas, divestiture by vertically integrated electric utilities of their electric generation business and their electric transmission and distribution business into separate entities may be a desirable part of electric utility restructuring, some states may want to encourage or mandate such divestiture, and the spinning off of one business or the other to current shareholders may be a desirable method of implementing this goal; and

Whereas, New Hampshire has adopted an electric utility restructuring policy principle in law which states, "Increased competition in the electric industry should be implemented in a manner

that supports and furthers the goals of environmental improvement," and which continues, "As generation becomes deregulated, innovative market-driven approaches are preferred to regulatory controls to reduce adverse environmental impacts;" and

Whereas, FERC has indicated a clear desire that the United States Environmental Protection Agency implement appropriate environmental regulation to accompany electric utility restructuring; and

Whereas, the United States Congress is considering federal legislation to encourage and promote retail competition and customer choice in electricity supply markets; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the general court of New Hampshire hereby urges the United States Congress, FERC, and other federal agencies to continue to cooperate with and support state efforts to restructure the electric utility industry and promote retail competition; and

That Congress and FERC should affirm state authority to order retail customer choice of electric generation suppliers including the authority to order filing of tariffs for the provision of retail transmission service by electric utilities under state jurisdiction and their affiliates, consistent with needs of retail customers as well as FERC's open access policies and comparability principles; and

That Congress should affirm that states have jurisdiction over all retail sales of electricity to end users within the state, so that states can require the imposition of nonbypassable distribution charges on all retail customers, even if there are no distribution facilities under state jurisdiction involved; and

That Congress should make clear state authority to order divestiture of generation assets by electric utilities that own distribution; and

That Congress should remove tax code obstacles and other barriers to electric utility restructuring, such as barriers to divestiture of generation assets by vertically integrated utilities or holding companies; and

That Congress should eliminate mandatory purchase requirements of the Public Utility Regulatory Policies Act of 1978 once all customers of a utility have the right to choose their own supplier of electricity; and

That Congress and the EPA should pursue policies, including amendments to the Clean Air Act, that promote market based systems which ensure continued and ongoing environmental improvement and reduction of air pollution emissions from electric power generation plants, and provide for fair competition among all generators; and

That copies of this resolution be sent by the clerk of the house of representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Federal Energy Regulatory Commission, the Secretary of the United States Department of Energy, the chairpersons of the committees of the United States Congress having jurisdiction over electric utility restructuring, and to each member of the New Hampshire congressional delegation.

**HJR 5**, urging the United States Congress and the United States Environmental Protection Agency to make certain changes in the Clean Air Act which would result in more cost effective air pollutant emission reductions. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray & Sarah K. Bonneau for Science, Technology and Energy: New Hampshire has continued to decrease air pollution emissions and has attempted to substitute more cost effective air pollution control strategies for some measures mandated by the Federal Clean Air Act. The resolution, as amended, outlines New Hampshire's suggestions for amending the Clean Air Act and EPA policies to provide New Hampshire with more flexibility in its efforts to produce greater environmental improvement at less cost. Vote 18-0.

#### **Amendment (0724h)**

Amend the resolution by replacing all after the title with the following:

Whereas, the state of New Hampshire has continued to decrease air pollution emissions in accordance with the federal Clean Air Act Amendments of 1990; and

Whereas, the United States Environmental Protection Agency (EPA) has continued to fund scientific air pollution research which has shown that some of the scientific assumptions behind the federal Clean Air Act Amendments of 1990 are invalid; and

Whereas, certain regions of the country, including the state of New Hampshire, are required to make considerable additional expenditures on scientifically obsolete or ineffective air pollution controls mandated by the federal Clean Air Act; and

Whereas, the federal Clean Air Act does not allow the EPA to authorize states to substitute more cost effective air pollution control strategies for scientifically obsolete or ineffective air pollution control strategies, thereby stifling innovation; and

Whereas, certain regions of the country, including the state of New Hampshire, are currently victims of air pollution emitted upwind from the region, but are being held responsible for that pollution by the federal Clean Air Act; and

Whereas, the federal Clean Air Act requires the EPA to adopt standards which protect public health with an adequate margin of safety, despite recent scientific research which indicates that no safe level exists, providing opponents of air pollution control expenditures with unnecessary opportunities to question the implementation of the Clean Air Act; and

Whereas, the EPA is in the process of mandating low-emission vehicle requirements for new automobiles which needlessly mix cost-effective stricter nitrogen oxide emission standards with scientifically obsolete requirements for stricter hydrocarbon emission standards; and

Whereas, the EPA in its procedures for assessing state implementation plans for air pollution control gives little or no credit for voluntary pollution reductions already in place that are not mandated by law, and gives excessive credit for promises of future mandatory control measures; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the federal Clean Air Act should be amended to require the EPA to permit states to substitute more effective air pollution control strategies for less effective strategies mandated by the federal Clean Air Act, so that states will be allowed to devise cost-effective strategies that will produce more air pollution improvement for less cost; and

That the federal Clean Air Act should be amended so that regions which are victims of windborne air pollution are not held responsible, and if polluted air gets cleaner as it passes over a region of a non-attainment area, that region should not be required to observe the additional air pollution control requirements for non-attainment areas, and the EPA should instead look to upwind polluters to apply additional controls; and

That the federal Clean Air Act should be amended to promote reductions in ground level ozone through nitrogen oxide emission reductions from power plants, industrial boilers, new automobiles, and new trucks, rather than further reducing hydrocarbon emissions from existing gasoline vehicles or industrial solvents; and

That the federal Clean Air Act should be amended so that the EPA may more justifiably set air quality standards at a level other than zero, which improve over time at a steady rate, based on scientific analysis of public health damage, ecological damage, and cost of control; and

That the EPA should revise its policies regarding motor vehicle emissions, including low-emission vehicle standards, to concentrate on nitrogen oxide emission reductions, not hydrocarbon emission reductions; and

That the EPA should revise its policies regarding state implementation plans for air pollution control so that states shall be given full credit in their state emission inventories for non-mandatory pollution reductions which can reasonably be expected to occur or to remain in place, including low-emission vehicles already registered in the state; and

That the EPA should act on its responsibility to forcefully communicate the results of its ongoing scientific research to the United States Congress and encourage Congress to amend the Clean Air Act so as to bring it in line with current research; and

That the EPA should promptly amend its own policies so as to bring them in line with current research; and

That copies of this resolution be sent by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairpersons of committees of the United States Congress having jurisdiction over the Clean Air Act, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

**HB 117**, relative to Persian Gulf War bonus payments. **OUGHT TO PASS WITH AMENDMENT**  
Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: Payments for members of the armed forces who served in Southeast Asia and were awarded the Southeast Asia Service medal - the committee felt that the citizens of New Hampshire will honor those citizens who have served our country during this conflict. Vote 16-0.

#### Amendment (0436h)

Amend the bill by replacing all after the enacting clause with the following:

1 End Date for Active Service; Qualifications for Bonus Payment. Amend RSA 115-A:9 to read as follows:

115-A:9 Qualifications for Bonus. Each person who actively served in any capacity as a member of the armed forces of the United States ~~[between] on or after August 2, 1990[;]~~ and ~~[a date to be determined by the Secretary of Defense] on or before November 30, 1995,~~ and who earned the Southwest Asia Service Medal (SASM); and who was discharged, released or has a certificate of service therefrom, under honorable conditions, or who is missing in action *or who was killed in action*; and who at the time of entry on such active service, and at the time of such service was a bona fide resident of this state shall be entitled to the benefits provided under this subdivision. ~~[Residents of other states who were activated and served with a New Hampshire-based National Guard or reserve unit shall also qualify.]~~ *A person shall demonstrate bona fide residency under this section through such person's home of record at time of entry as listed on a DD Form 214 or a written verification from a town or city clerk that such person was a resident of a New Hampshire town or city at the time of active service.* No individual who has received a Persian Gulf War bonus payment from another state shall be qualified to receive the benefits provided under this subdivision.

2 New Section; Forfeiture of Bonus for Fraud. Amend RSA 115-A by inserting after section 14 the following new section:

115-A:15 Forfeiture of Bonus. Any person who obtains a bonus payment under this subdivision by fraud shall forfeit such bonus to the state.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill clarifies the dates of active service and the residency requirement for qualifying for a Persian Gulf War bonus payment.

The bill also provides for forfeiture of any Persian Gulf War bonus payment obtained by fraud.

**HJR 7**, urging the United States Congress and the Veterans Administration to maintain adequate health care services for New Hampshire veterans **OUGHT TO PASS**

Rep. Rita G. MacAuslan for State-Federal Relations and Veterans Affairs: While the veterans administration should implement any cost savings that would not impact quality, availability and accessibility of services to New England veterans, this resolution expresses New Hampshire's concerns that its - and all New England's - veterans continue to receive all necessary health care at a locally accessible location. Vote 12-0.

**HB 231-FN-L**, imposing a penalty on motor vehicle operators under 20 years of age if the operator is convicted of any violation offense involving the operation of a motor vehicle. **RE-REFER TO COMMITTEE**

Rep. Peter R. Cote for Transportation: This bill involving operators under 20 years of age is of complex nature. By a unanimous vote by the committee, it was recommended to be Re-Referred for a more thorough study along with other driver bills. Vote 13-0.

**HB 477**, prohibiting aircraft from landing and taking off on a certain portion of the Pemigewasset River. **RE-REFER TO COMMITTEE**

Rep. Philip M. Ackerman for Transportation: The committee feels that this issue can be resolved locally by the parties which have an equal right to responsible use of the area. Re-referral allows time for communications between the parties and the Department of Transportation to resolve the issue. If this is not successful, this bill may be revisited during the next session. Vote 12-1.

**HB 649-FN**, relative to reckless driving. RE-REFER TO COMMITTEE

Rep. Robert J. Letourneau for Transportation: The committee felt that it should re-refer this bill so it could have the time to examine the current penalties being assessed young drivers. After passing HB 459-FN, a youth driver license bill, we felt further study of the problems of young drivers could be necessary. Vote 13-0.

**HB 662**, revising the laws relative to the use of dealer plates. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth W. Malcolm for Transportation: This bill, as amended, is the result of several hours of meetings, and the result is the cleaning up of long alleged use and misuse of various trade use of motor vehicle plates. This bill more clearly defines proper use of dealer, wholesale dealer, utility and transporter plates. It also sets up a licensing process and increases the bond requirement for car dealers. The bill, as amended, is agreed upon by all parties involved. This bill maintains the economic viability of the automotive business, and maintains the logical legality for the motor vehicle license system in New Hampshire. Vote 12-0.

**Amendment (0632h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Definition; Auto Wholesale Dealer. Amend RSA 259 by inserting after section 5 the following new section:

259:5-a Auto Wholesale Dealer. "Auto wholesale dealer" shall mean any person with an established place of business, who is exclusively engaged in the business of purchasing vehicles requiring registration for use upon a way, for resale to a retail or wholesale dealer. For the purposes of this definition, "exclusively engaged" shall mean the retail sale of less than 5 motor vehicles in any state in any 12-month period.

2 Definition; Dealer. RSA 259:18 is repealed and reenacted to read as follows:

259:18 Dealer. "Dealer" shall mean a retail vehicle dealer or an auto wholesale dealer.

3 New Section; Definition; Motor Vehicle Business. Amend RSA 259 by inserting after section 60 the following new section:

259:60-a Motor Vehicle Business. "Motor vehicle business" shall mean a business which is principally engaged in one or more of the following activities: buying, selling, or exchanging motor vehicles requiring registration for use upon a way, motor vehicle mechanical service, motor vehicle collision repair service, the reconditioning and restoration of motor vehicles, and the sale of motor vehicle parts. For the purposes of this definition, "principally engaged" means that the business derives at least 51 percent of its annual gross income from the motor vehicle business or, if there was no income in the prior year, 51 percent of the assets of the business are directly related to the motor vehicle business.

4 New Section; Retail Vehicle Dealer. Amend RSA 259 by inserting after section 89 the following new section:

259:89-a Retail Vehicle Dealer. "Retail vehicle dealer" shall mean a person engaged in the motor vehicle business who sells motor vehicles to the general public, or demonstrates for sale vehicles on consignment to the general public. There shall be a rebuttable presumption that any person who sells or who acts as an agent of a seller for 5 or more vehicles at retail to the general public in a consecutive 12-month period is a retail vehicle dealer.

5 Definition; Transporter. RSA 259:114 is repealed and reenacted to read as follows:

259:114 Transporter. "Transporter" shall mean:

I. Any person who moves any motor vehicle owned by another person which requires registration for use upon a way for business purposes; or

II. Any person engaged in the business of buying promissory notes secured by mortgages or conditional sales contracts who, in the regular course of such business, has occasion to repossess any vehicle.

6 Definition; Utility Dealer. RSA 259:121 is repealed and reenacted to read as follows:

259:121 Utility Dealer. "Utility dealer" shall mean:

I. Any person engaged in the manufacture, purchase, sale, or exchange at wholesale or retail of travel or camp trailers, utility trailers, boat trailers, semi-trailers, tractors, farm equipment, construction equipment, chassis with special equipment, or any combination thereof.

II. Any person engaged in the lease or rental of storage trailers.

7 Bond Required. RSA 261:98 is repealed and reenacted to read as follows:  
261:98 Bond Required.

I. Every retail vehicle dealer as defined in RSA 259:89-a, every auto wholesale dealer as defined in RSA 259:5-a, every automotive recycling dealer as specified by RSA 261:123, and certain utility dealers as defined by RSA 259:121 if required by rule of the commissioner, shall obtain a bond or equivalent proof of financial responsibility as described in paragraph VI, and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the department in the amount of \$25,000 executed by a surety company authorized to transact business in the state by the insurance department. The bond or its equivalent shall only be for the benefit of a natural person who purchases a vehicle from a dealer, an automotive recycling dealer, or a utility dealer, and who suffers loss on account of:

(a) The dealer's default or nonpayment of all valid bank drafts, including checks, drawn by the dealer for the purchase of motor vehicles;

(b) The dealer's failure to deliver in conjunction with the sale of a motor vehicle a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens except a lien created by or expressly assumed in writing by the buyer of the vehicle;

(c) The motor vehicle purchased from the dealer was stolen; or

(d) The dealer's intentional or knowing failure to disclose the vehicle's actual mileage at the time of sale.

II. Recovery against the bond or its equivalent may be made by any such person, who obtains a final judgment in a court of competent jurisdiction against the dealer for an act or omission on which the bond is conditioned if the act or omission occurred during the term of the bond. Every bond shall also provide that no suit may be maintained to enforce any liability on the bond unless brought within one year after the event giving rise to the cause of action.

III. The bond or its equivalent shall cover only those acts and omissions described in paragraph I. The surety on a bond shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against the bond or the number of years the bond remained in force.

IV. A separate bond shall be required for each different name under which the dealer conducts his business and for each community in which the dealer has a place of business.

V. Any dealer covered by an association bond as provided in RSA 261:101 shall only be covered under one name in one community. A dealer covered under RSA 261:101 who has a place of business in more than one town or city shall file a separate bond as provided in this section for each separate community in which he operates.

VI. In lieu of the bond required by this section, the department may allow the dealer to deposit collateral in the form of a certificate of deposit or irrevocable letter of credit, as authorized by the banking laws of the state of New Hampshire, which has a face value equal to the amount of the bond otherwise required. Such collateral may be deposited with or executed through any authorized state depository designated by the commissioner. Interest on any such certificate of deposit shall be payable to the dealer who has deposited it as collateral, or to such person as the dealer or the certificate may direct.

VII. Any surety is required to provide 60 days' notice of cancellation of the bond or certificate of deposit or letter of credit to the department, and to the dealer.

8 Application for Retail Vehicle Dealer Registration. RSA 261:103 is repealed and reenacted to read as follows:

261:103 Application for Retail Vehicle Dealer Registration.

I. Any retail vehicle dealer as defined in RSA 259:89-a who engages in the motor vehicle business, and who maintains in operating condition and in operation an established place of business which meets the signage requirements of paragraph II, may make application to the department upon blanks furnished by it for that purpose, for a general distinguishing number for vehicles owned by such dealer, provided that:

(a) The business location is where the retail vehicle dealer does a major portion of business during normal business hours; and

(b) Such business location is capable of storing and displaying motor vehicles indoors, in one building, in an area of at least 1,200 contiguous square feet.

II. An established place of business shall clearly and conspicuously display the business name of the dealer in letters no less than 10 inches in height, unless prohibited by local zoning. Such business signage shall be clearly visible from a traveling vehicle on the adjacent public way, unless an obstruction exists which cannot be remedied.

9 New Section; Vehicle Dealer License Required. Amend RSA 261 by inserting after section 103 the following new section:

261:103-a Vehicle Dealer License Required. Each dealer, as defined in RSA 259:18, shall apply for and obtain from the department a motor vehicle license before engaging in any motor vehicle business activity in the state. The department shall prescribe and provide forms to be used for applications for licenses and for the renewals thereof to be issued under the terms and provisions of this chapter and require all new applicants, as a condition precedent to the issuance of a license, a statement as to the following facts:

I. The name and residence address of the applicant and the trade name, if applicable, under which the applicant intends to conduct business, and:

(a) If the applicant is a co-partnership, the name and residence address of each member thereof, whether a limited or general partner, and the name under which the partnership business is to be conducted.

(b) If the applicant is a corporation, the name of the corporation and the name and address of each of its principal officers, directors and all persons owning more than 5 percent of outstanding shares of stock issued by the corporation.

II. A complete description, including the city, town with the street and number, if any, of the permanent, established place of business and such other and additional place or places of business as shall be operated and maintained by the applicant in conjunction with the permanent, established place of business.

III. For new applications, a financial statement dated not earlier than 12 months prior to the date of the application and copies of the most current financial information furnished to the manufacturer, distributor, or their representatives under the terms of any franchise agreements.

IV. The trade name or trade names or line-make or line-makes of the new vehicle or vehicles that the applicant is or has been franchised to sell or exchange and the name or names and address of any manufacturer or distributor who has enfranchised the applicant.

V. Whether the applicant proposes to sell new or used vehicles or both.

VI. A duly executed service agreement on forms provided by the department with a service or repair garage which is a licensed inspection facility within a reasonable distance from the applicant's established place of business, if the motor vehicle dealer applicant does not have facilities at the dealer's established place of business to service or repair motor vehicles.

VII. A statement that the applicant is or applicants are or intend to be engaged in the motor vehicle business and that this activity constitutes or will constitute the principal business of the applicants.

VIII. Certification from the appropriate officials of the municipality which contains the dealer's established place of business that the dealer's establishment is in compliance with all applicable local zoning ordinances.

IX. A statement that the dealer will comply with all state and federal requirements regarding the selling, titling, and financing of vehicles.

X. All applications shall be accompanied by the payment of a license fee of \$125. In the event that any application is denied or the license applied for is not issued, 75 percent of the license fee shall be refunded to the applicant or applicants.

XI. Proof of a surety bond obtained through a company approved by the insurance department, or pursuant to RSA 261:101, which conforms to the criteria in RSA 261:98, or proper alternative proof of financial assurance pursuant to RSA 261:98, VI.

XII. A statement that the dealer shall notify the department upon cancellation of the surety bond.

XIII. A criminal record for each applicant and a statement whether the applicant has ever been subject to a civil judgment connected with a motor vehicle business.

XIV. All licenses shall be granted or denied after receipt of a complete application by the department. If application is incomplete, the department shall notify the applicant in writing indicating the reasons for incompleteness.

XV. All licenses issued pursuant to the provisions of this subdivision shall expire annually in the month designated by the director.

XVI. Any change of address, ownership, employment, trade name or line-make of motor vehicle a dealer is franchised to handle must be reported to the department within 30 days from the date of the change.

XVII. No license so issued shall be transferable, and a separate license shall be required for each separate place of business in a separate town or city, and shall be prominently displayed in the place of business operated by the person to whom such license is issued.

10 Retail Vehicle Dealer's Use of Dealer Registration. RSA 261:111 is repealed and reenacted to read as follows:

261:111 Retail Vehicle Dealer's Use of Dealer Registration.

I. A retail dealer and member of the dealer's family domiciled in the dealer's household, may use the dealer's registration on vehicles owned by the dealer for personal use.

II. Motor vehicles owned by the dealer which are designed for and engaged in the day-to-day business activities of the dealership, including but not limited to the transportation of freight or merchandise, such as wreckers, service trucks, and auto parts delivery trucks, shall not be so registered.

III. The dealer's employees who are employed full-time in the retail motor vehicle business may be issued a dealer plate on motor vehicles owned by the dealer, at the dealer's discretion, for personal use outside of normal business hours. For purposes of this paragraph, only the dealer's employees and no other person shall operate such motor vehicles. Personal use shall require that the motor vehicle be in saleable condition, with all legally required window stickers as appropriate, in view to the general public.

IV. Motorized or non-motorized vehicles owned by the dealer shall not be rented or otherwise used while registered under the dealer's registration, except for demonstration purposes, for use by a franchisor or distributor or agent or employee thereof, or for loaning or renting to a customer whose vehicle is being serviced in connection with the vehicle business.

V. Dealer registration shall not be used on motorized or non-motorized vehicles owned by another person unless there exists a valid consignment agreement, or unless the vehicle is being demonstrated or transported in connection with service or sales.

11 Application for Motorcycle and Moped Registration; Validity of Motorcycle Registration for Other Motor Vehicles. RSA 261:112 is repealed and reenacted to read as follows:

261:112 Application for Motorcycle and Moped Registration; Validity of Motorcycle Registration. A manufacturer or a retail vehicle dealer of motorcycles or mopeds or both may indicate on the retail vehicle dealer's registration application a preference for a general distinguishing motorcycle number and plate for its vehicles. A motorcycle registration is a valid registration on any motor vehicle owned by the dealer.

12 Use of Transporter Registration. RSA 261:116 is repealed and reenacted to read as follows:

261:116 Use of Transporter Registration.

I. Personal use shall be prohibited.

II. Transporter registration shall be used on motor vehicles not owned by the transporter.

13 Use of Utility Plates. RSA 261:121 is repealed and reenacted to read as follows:

261:121 Use of Utility Plates. Utility registration shall be used only for moving non-motorized vehicles or chassis with specialized equipment which are either owned or not owned by the utility dealer for business purposes, including but not limited to delivery, demonstration, sale, or repair.

14 Limitation on Use of Utility Plates. RSA 261:122 is repealed and reenacted to read as follows:

261:122 Limitation on Use of Utility Plates.

I. Utility plates shall not be loaned or assigned to any other person.

II. Personal use shall be prohibited.

15 Subdivision Heading Changed. The subdivision heading preceding RSA 261:140-a is repealed and reenacted to read as follows:

Auto Wholesale Dealer Registration

16 Auto Wholesale Dealer Registration. RSA 261:140-a is repealed and reenacted to read as follows:

261:140-a Auto Wholesale Dealer Registration and Plates.

I. Any auto wholesale dealer as defined in RSA 259:5-a, who has an established place of business which meets the signage requirements under paragraph II and is licensed pursuant to RSA 261:103-a, may make application on blanks furnished by the director for a general distinguishing

number for use on vehicles owned by the auto wholesale dealer. If the director is satisfied that such applicant is a suitable person, such applicant shall be issued a general distinguishing number and a certificate of registration for an auto wholesale dealer.

II. An established place of business shall clearly and conspicuously display the business name of the dealer in letters no less than 10 inches in height, unless prohibited by local zoning. Such business signage shall be clearly visible from a traveling vehicle on the adjacent public way, unless an obstruction exists which cannot be remedied.

17 Use of Auto Wholesale Dealer Registration. RSA 261:140-b is repealed and reenacted to read as follows:

261:140-b Use of Auto Wholesale Dealer Registration.

I. Auto wholesale dealer vehicle registration shall be used for motor vehicle business purposes only, on vehicles owned by the auto wholesale dealer which are being transported to the auto wholesale dealer's place of business, to another location for mechanical service, or to a wholesale or retail dealer. Such registration shall not be used for the retail demonstration of any vehicles.

II. Personal use of auto wholesale dealer vehicle registration shall be prohibited.

III. Vehicles owned by the auto wholesale dealer which are designed for and engaged in day to day business activities, including but not limited to the transportation of freight or merchandise, such as wreckers, service trucks, and auto parts delivery trucks, shall not be so registered.

IV. The auto wholesale dealer shall not loan auto wholesale dealer number plates to any other person.

18 Change in Fee. RSA 261:141, III(u)(1) is repealed and reenacted to read as follows:

(u)(1) For each vehicle, owned by or under control of a manufacturer, wholesaler, or dealer - \$200 for the first plate.

19 Change in Fee. Amend RSA 261:141, III(w) and (x) to read as follows:

(w)(1) For motorcycles owned or under the control of a manufacturer or dealer in motorcycles — \$12 [per-set] for *the* first [~~3-plates~~] *plate*.

(2) For every additional plate — \$3.

(x)(1) For mopeds owned or under the control of a manufacturer or dealer in mopeds — \$12 [per-set] for *the* first [~~3-plates~~] *plate*.

(2) For every additional plate — \$3.

20 Penalties; Dealers, Utility Dealers, Auto Recycling Dealers, Transporters, and Repairers. RSA 261:177 is repealed and reenacted to read as follows:

261:177 Penalties; Dealers, Utility Dealers, Auto Recycling Dealers, Transporters and Repairers.

I. Upon any evidence of misuse of registration or any violation of the provisions of this chapter or any rules authorized by law the director may:

(a) Suspend or revoke any dealer's, utility dealer's, automotive recycling dealer's transporter's or repairer's registration; or

(b) Impose an administrative fine upon any dealer, utility dealer, automotive recycling dealer, transporter or repairer. The maximum amounts of the fines which may be assessed shall be as follows:

(1) For the first violation, \$250.

(2) For the second violation, \$500.

(3) For the third violation, \$750.

(4) For the fourth violation, \$1,000.

(5) For 5 or more violations, \$2,000.

No fine shall take effect unless approved by the commissioner. The commissioner shall have the authority to modify the amount of the fine assessed.

II. Whenever a dealer, utility dealer, automotive recycling dealer, transporter or repairer has a license or plates or license and plates revoked or suspended for a period of greater than 15 days, a fee of \$50 shall be paid for the restoration of such license or plates or license and plates.

21 Repeal. The following are repealed:

I. RSA 261:105, relative to minimum area waivers.

II. RSA 261:107, relative to number of plates.

III. RSA 261:140-c, relative to a prohibition on use of plates by auto wholesalers.

22 Effective Date.

I. Section 6, 10-14, 17, 20 and 21 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1998.

**HB 712**, relative to the purchase, preservation, and reactivation of abandoned railroad rights-of-way and limiting railroad liability for passenger rail service. RE-REFER TO COMMITTEE  
Rep. John W. Flanders, Sr. for Transportation: The committee was not sure of constitutionality of 75,000,000 liability cap. Want to work on bill over the summer with different departments involved. Vote 18-0.

### REGULAR CALENDAR

**HB 147**, relative to disclosure of certain information relating to tobacco products. RE-REFER TO COMMITTEE

Rep. Keith R. Herman for Commerce: This is one of a series of bills dealing with the issue of smoking. The committee has agreed to look at all the issues presented in the various bills during the summer. This bill requires disclosing cigarette ingredients. The committee is committed to study this issue further since it is still pending in the Massachusetts courts. Vote 8-2.  
Adopted.

**HB 506**, prohibiting all smoking in any restaurant where serving food is the primary function. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Richard H. Krueger for the Majority of Commerce: In the State of New Hampshire cocktail lounges cannot exist without at least 50% of their business being food. It would be impossible to have a cocktail lounge without food being the major portion of their business. Testimony showed that the marketplace is the best way to resolve this issue. Some restaurants have chosen on their own to have non-smoking environments even in their cocktail lounges while others have not. In either case, those testifying each claim their business grew and their customer base continued. Vote 10-4.

Rep. Martha Fuller Clark for the Minority of Commerce: The minority was very concerned about involuntary exposure by restaurant employees and children from secondhand smoke in public restaurants, given extensive testimony on the grave medical consequences due to exposure to such secondhand smoke. 58,000 Americans die annually from exposure to secondhand smoke. Our current smoking laws separating non-smokers from smokers in restaurants do not adequately protect non-smokers. Additional testimony was heard concerning entire communities in Massachusetts and elsewhere, including the state of California, that have a total ban on smoking in public restaurants. Such businesses actually have seen an increase in patronage since these bans went into effect. If New Hampshire is to control the escalating health care costs related to smoking, every effort must be made to protect both children and adults from the dangers of smoking, including secondhand smoke. This bill would go a long way in doing that and is a critical component of the anti-smoking bills before the legislature this session.

Reps. Holt and Arthur Pelletier spoke against.

Reps. Cooper and Hunt spoke in favor.

Rep. Arthur Pelletier requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 232 NAYS 114**

**YEAS 232**

**BELKNAP**

Bartlett, Gordon  
Hurt, George  
Rice, Thomas, Jr.  
Ziegler, Alice

Boyce, Robert  
Laffam, Robert  
Salatiello, Thomas

Golden, Paul  
Lawton, David  
Thomas, John

Holbrook, Robert  
Lawton, Robert  
Turner, Robert

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
McGuirk, Paul  
Royce, H. Charles

DePecol, Benjamin  
McNamara, Wanda  
Smith, Edwin

Hunt, John  
Meador, David  
Steere, Myron, III

Lynch, Margaret  
Pratt, John  
Vogl, John

**COOS**

Coulombe, Yvonne  
Horton, Lynn  
Pratt, Leighton

Davis, Perley  
Mears, Edgar  
St. Hilaire, Paul

Guay, Lawrence  
Merrill, Gerald  
Tholl, John, Jr.

Hawkinson, Marie  
Moynihan, Wayne

**GRAFTON**

Akins, Ralph  
Guaraldi, Lawrence  
LaMott, Paul  
Teschner, Douglass

Alger, John  
Ham, Bonnie  
MacNeil, Allen  
Trelfa, Richard

Cobbin, Philip  
Hill, Richard  
Mirski, Paul  
Weber, Phil

Eaton, Stephanie  
Hinman, Harry  
Root, John  
Williams, William, Jr.

**HILLSBOROUGH**

Ackerman, Philip  
Asselin, Robert  
Boutin, David  
Carlson, Donald  
Clay, Susan  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Flora, Kathleen  
Golding, William  
Holden, Carol  
Jean, Loren  
LaRose, Richard  
Letendre, Evelyn  
MacIntyre, Doris  
McGough, Tim  
Mittelman, David  
Pepino, Leo  
Sargent, Maxwell  
Vaillancourt, Steve

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Carney, Lauren  
Clegg, Robert, Jr.  
Desrosiers, William  
Fenton, James  
Foster, Linda  
Gosselin, Gerald  
Holley, Sylvia  
Kelley, Robert  
Lefebvre, Roland  
Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
Murch, George  
Peterson, Andrew  
Searles, Stanley, Sr.  
Wheeler, Robert

Amidon, Eleanor  
Belvin, William  
Burke, M. Virginia  
Chabot, Robert  
Clemons, Jane  
Durham, Susan  
Ferguson, Charles  
Gagnon, Eugene  
Goulet, Maurice  
Hunter, Bruce  
Kurk, Neal  
Leonard, Peter  
Luebkert, Bernard  
Martin, Mary  
Messier, Irene  
Murphy, Robert  
Piteri, Dawn  
Thulander, O. Alan  
Wright, George

Arnold, Thomas, Jr.  
Bergin, Peter  
Calawa, Leon, Jr.  
Christiansen, Lars  
Daniels, Gary  
Dyer, Merton  
Fields, Dennis  
Ginsburg, Ruth  
Herman, Keith  
Jean, Claudette  
L'Heureux, Robert  
Lessard, Rudy  
MacGillivray, Jeffrey  
McCarty, Winston  
Milligan, Robert  
O'Hearn, Jane  
Riley, Frances  
Turgeon, Roland

**MERRIMACK**

Adams, Stephen  
Colburn, Thomas  
Jacobson, Alf  
Marshall, Kenneth  
Pflaff, Terence

Brown, Mary  
Feuerstein, Martin  
Krueger, Patricia  
Maxfield, Roy  
Wallin, Jean

Chandler, Earle  
Hager, Elizabeth  
Larrabee, David  
Morrill, Olive  
Whittemore, James

Colburn, Kathleen  
Hess, David  
Lockwood, Robert  
Nichols, Avis

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Christie, Andrew, Jr.  
Dearborn, Bruce  
Dube, LeRoy  
Francoeur, Sheila  
Henderson, Warren  
Kelley, Jane  
Langone, John  
McCarthy, John, Jr.  
Millard, Ralph

Beaulieu, Jon  
Carson, Gregory  
Coes, Betsy  
Dodge, Robert  
Dunham, Vivian  
Gleason, John  
Johnson, Robert  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McGovern, Cynthia  
Moore, Benjamin

Belanger, Ronald  
Case, Margaret  
Cooney, Richard  
Dowd, Sandra  
Fesh, Robert  
Griffin, Mary  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
McKinney, Betsy  
Morris, Debbie

Bishop, Franklin  
Cegelis, Mark  
Cushing, Robert  
Downing, Michael  
Flanders, John, Sr.  
Guthrie, Joseph  
Katsakiores, Phyllis  
Langley, Jane  
Malcolm, Kenneth  
Mikowski, Walter  
Nowe, Ronald

Noyes, Richard  
Stickney, Nancy  
Vaughn, Charles

O'Keefe, Patricia  
Stone, Joseph  
Welch, David

Raynowska, Bernard  
Syracusa, Anthony  
Weyler, Kenneth

Simmons, John Anthony  
Varrell, Thomas  
Woods, Deborah

### STRAFFORD

Bickford, David  
Lundborn, Raymond  
Rollo, Michael

Brown, Julie  
McKinley, Robert  
Torr, Ann

Estabrook, Iris  
Merritt, Deborah  
Torr, Franklin

Knowles, William  
Musler, George  
Tsiros, William

### SULLIVAN

Adler, Rudolf  
Schotanus, Merle

Krueger, Richard

Leone, Richard

Lindblade, Eric

### NAYS 114

### BELKNAP

Boriso, Thomas

Rosen, Ralph

### CARROLL

None

### CHESHIRE

Bonneau, Sarah  
Richardson, Barbara

Burnham, Daniel  
Riley, William

Doucette, Richard  
Robertson, Timothy

Metzger, Katherine  
Russell, Ronald

### COOS

Bradley, Paula

Coulombe, Henry

### GRAFTON

Almy, Susan  
Lovett, Sidney

Below, Clifton  
Nordgren, Sharon

Copenhaver, Marion  
Phinney, William

Guest, Robert

### HILLSBOROUGH

Allen, W. Gordon  
Cardin, Lori  
D'Allesandro, Lou  
Foster, Joseph  
Hansen, Herbert  
Leishman, Peter  
Melcher, Harold  
White, Donald

Barry, William, III  
Clemons, Kevin, Sr.  
Daigle, Robert  
Gage, Ruth  
Hart, Nick  
MacAuslan, Rita  
Perkins, Paul  
White, Jay

Bernier, Shannon  
Cote, David  
Drabinowicz, A. Theresa  
Haettenschwiller, Alphonse  
Holt, David  
McCarthy, William  
Reidy, Frank  
Williams, Carol

Buckley, Raymond  
Cote, Peter  
Dwyer, Paul, Sr.  
Hall, Betty  
Johnson, Lionel  
McDonald, James, Sr.  
Welch, Donald

### MERRIMACK

Anderson, Eric  
Dunn, Miriam  
Hoadley, Elizabeth  
Moore, Carol  
St. Cyr, Gerard

Burney, Carol  
Fraser, Marilyn  
Langer, Ray  
Owen, Derek  
Wallner, Mary Jane

Daneault, Gabriel  
French, Barbara  
Lavoie, Gerard  
Rogers, Katherine  
Whalley, Michael

DeStefano, Stephen  
Gile, Mary  
Leber, William  
Seldin, Gloria  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Frechette, Joseph  
Kane, Cecelia  
Pantelakos, Laura  
Weatherspoon, Jackie

Clark, Martha  
Gibbons, Paul  
Lovejoy, Marian  
Schanda, Frank

Dolan, Richard  
Heath, John  
Micklon, Stephanie  
Smith, Kevin

Flanagan, Natalie  
Hutchinson, Rebecca  
Norelli, Terie  
Stritch, C. Donald

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Keans, Sandra  
Rogers, Rose Marie  
Sullivan, Henry

Brennan, William  
Grassie, Anne  
McCann, William, Jr.  
Smith, Marjorie  
Twardus, Joseph

Callaghan, Frank  
Hilliard, Dana  
Merrill, Amanda  
Snyder, Clair  
Wall, Janet

DeChane, Marlene  
Kaen, Naida  
Pelletier, Arthur  
Spear, Barbara

**SULLIVAN**

Allison, David  
Ferland, Brenda

Burling, Peter  
Flint, Gordon

Cloutier, John  
Palmer, Lorraine

Donovan, Thomas  
Wiggins, Celestine

and the report was adopted.

**HB 650, relative to limited liability companies. OUGHT TO PASS WITH AMENDMENT**

Rep. David T. Mittelman for Commerce: This bill as amended significantly enhances the viability of Limited Liability Companies (LLCs) by taking advantage of recent federal tax rules and making key non-tax improvements. In particular, HB 650 as amended: 1) permits single member LLCs; 2) gives LLC members a right to demand member meetings, rather than requiring annual meetings; 3) clarifies rules for removing members; 4) eliminates certain types of events that can trigger LLC dissolution; 5) modifies the right of departing members to receive immediate payment for their LLC interests; and 6) allows for mergers among LLCs and other types of business entities. An LLC has become the business form of choice because it combines the positive attributes of corporations and partnerships. The changes made by HB 650 will further encourage business formations and promote economic development. Vote 12-0.

**Amendment (0687h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Corporate Filings. Amend RSA 293-A:1.22(a)(4) to read as follows:

(4) Articles *or certificate of*

merger *or articles of* share exchange

§ 35

2 New Sections; Mergers of Corporations With Limited Liability Companies and Limited Partnerships; Conversions. Amend RSA 293-A by inserting after section 11.07 the following new sections:

293-A:11.08 Merger of Corporation and Other Entities.

(a) As used in this section, "other entity" or "other entities" shall mean domestic or foreign limited liability companies and limited partnerships authorized by applicable statute to merge with a corporation.

(b) Any one or more corporations may merge with one or more other entities. Such corporation or corporations and such one or more other entities may merge with or into a corporation, which may be any one of such corporations, or they may merge with or into an other entity, which may be any one of such other entities, pursuant to an agreement or plan of merger complying and approved in accordance with this section and otherwise in compliance with this section.

(c) Each such corporation and other entity shall enter into a written agreement or plan of merger. The agreement shall state:

(1) The terms and conditions of the merger;

(2) The mode of carrying the same into effect;

(3) The manner of converting the shares of stock of each such corporation and the limited liability company or partnership interests of each such other entity into shares, limited liability company or partnership interests or other securities of the entity surviving such merger, and if any shares of any such corporation or any limited liability company or partnership interests of any such other entity are not to be converted solely into shares, limited liability company or partnership interests or other securities of the entity surviving such merger, the cash, property, rights or securities of any other corporation or entity which the holders of such shares or limited liability company or partnership interests are to receive in exchange for, or upon conversion of such shares or limited liability company or partnership interests and the surrender of any certificates evidencing such shares or interests, which cash, property, rights or securities of any other corporation or entity may be in addition to or in lieu of shares, limited liability company or partnership interests, or other securities of the entity surviving such merger; and

(4) Such other details or provisions as are deemed desirable, including, without limiting the generality of the foregoing, a provision for the payment of cash in lieu of the issuance of fractional shares or interests of the surviving corporation or other entity. Any of the terms of the agreement or plan of merger may be made dependent upon facts ascertainable outside of such agreement or plan, provided that the manner in which such facts shall operate upon the terms of the agreement or plan is clearly and expressly set forth in the agreement or plan of merger.

(d) The agreement or plan required by subsection (c) shall be adopted by the board of directors of each of the corporations and approved by the shareholders of each of the corporations to the extent required and in the same manner as is provided in RSA 293-A:11.03 and, in the case of the other entities, shall be approved in accordance with their limited liability company or partnership agreements and in accordance with the laws of the state under which they are formed, as the case may be.

(e) After a plan or agreement of merger is adopted and approved in the manner required by subsection (d), the surviving corporation or other entity shall deliver to the secretary of state for filing a certificate of merger setting forth:

(1) The name and jurisdiction of formation or organization of each business entity that is to merge;

(2) That an agreement or plan of merger has been approved, adopted, and executed by each business entity that is a party to the merger;

(3) The name of the surviving entity;

(4) If a corporation is the surviving entity of the merger, the plan of merger;

(5) If shareholder approval was not required, a statement to that effect;

(6) If approval of the shareholders of one or more corporations party to the merger was required:

(i) The designation, number of outstanding shares, and number of votes entitled to be cast by each voting group entitled to vote separately on the plan as to each corporation; and

(ii) Either the total number of votes cast for and against the plan by each voting group entitled to vote separately on the plan or the total number of undisputed votes cast for the plan separately by each voting group and a statement that the number cast for the plan by each voting group was sufficient for approval by that voting group;

(7) In the case of a merger in which a corporation is the surviving entity, such amendments or changes in the articles of incorporation of the surviving corporation as are desired to be effected by the merger; and

(8) If the surviving entity is not a corporation, that the executed agreement of merger is on file at the principal place of business of the surviving business entity and the address thereof and that a copy of the agreement of merger will be furnished by the surviving entity, on request and without cost, to any shareholder of any constituent corporation, any member of any constituent limited liability company, or any partner of a constituent limited partnership.

(f) A merger takes effect upon the effective date of the certificate of merger.

(g) Upon the merger taking effect, a surviving foreign corporation or other entity of a merger is deemed:

(1) To appoint the secretary of state as its agent for service of process in a proceeding to enforce any obligation or the rights of dissenting shareholders of each domestic corporation party to the merger; and

(2) To agree that it will promptly pay to the dissenting shareholders of each corporation party to the merger the amount, if any, to which they are entitled under RSA 293-A:13.01 through 293-A:13.31.

293-A:11.09 Approval of Conversion of a Corporation. A corporation may convert to a limited liability company organized under the laws of the state of New Hampshire upon the authorization of such conversion in accordance with this section and fulfillment of the requirements of RSA 304-C:17-a. The board of directors of the corporation shall adopt a plan of conversion and shall submit the plan of conversion for approval of the shareholders in the manner provided for shareholder approval of a plan of merger under RSA 293-A:11.03 for a merger requiring shareholder approval. After a plan of conversion is authorized and at any time before the certificate of conversion is filed, the planned conversion may be abandoned, subject to any contractual rights, without further shareholder action, in accordance with the procedures set forth in the plan of conversion, or if none is set forth, in the manner determined by the board of directors.

3 Definitions; Dissenter's Rights. Amend RSA 293-A:13.01(1) to read as follows:

(1) "Corporation" means the issuer of the shares held by a dissenter before the corporate action, or the surviving or acquiring corporation *or other entity* by merger [or], share exchange, *or conversion* of that issuer.

4 Court Action on Appraisal Shares. Amend RSA 293-A:13.30(b) to read as follows:

(b) The corporation shall commence the proceeding in the superior court of the county where a corporation's principal office, or, if none in this state, its registered office, is located. If the corporation is a foreign corporation *or other entity* without a registered office in this state, it shall commence the proceeding in the county in this state where the registered office of the domestic corporation merged with *or converted into* or whose shares were acquired by the foreign corporation *or other entity* was located.

5 New Subparagraph; Right to Dissent to Conversion. Amend RSA 293-A:13.02(a) by inserting after subparagraph (5) the following new subparagraph:

(6) Consummation of a plan of conversion to which the corporation is a party converting to another entity.

6 Registered Limited Liability Partnership; Effective Date. Amend RSA 304-A:44, III to read as follows:

III. A partnership becomes a registered limited liability partnership at the [time] *close of business on the date* of the filing of the initial registration with the secretary of state or at [any later] *the effective time or the delayed effective time* and date not later than the ninetieth day after the date the registration is filed, specified in the registration, if, in [either] *any* case, there has been substantial compliance with the requirements of this chapter. A partnership continues as a registered limited liability partnership if there has been substantial compliance with the requirements of this chapter. The status of a partnership as a registered limited liability partnership and the liability of a partner of such registered limited liability partnership shall not be adversely affected by errors or subsequent changes in the information stated in a registration under paragraph I of this section.

7 New Paragraphs; Registered Limited Liability Partnership Filing Requirements. Amend RSA 304-A:51 by inserting after paragraph IV the following new paragraphs:

V. Except as provided in paragraph VI, a document accepted for filing is effective:

(a) At the close of business on the date it is filed, as evidenced by the secretary of state's date endorsement of the original document; or

(b) At the time specified in the document as its effective time on the date it is filed.

VI. A document filed in the office of the secretary of state may specify a delayed effective time and date, and if it does so the document becomes effective at the time and date specified. If a delayed effective date but no time is specified, the document is effective as of the close of business on that date. A delayed effective date for a document shall not be later than the ninetieth day after the date it is filed.

8 Reserved Power of State. Amend RSA 304-A:54 to read as follows:

304-A:54 Reserved Power of State of New Hampshire to Amend or Repeal Chapter. All provisions of this chapter may be amended from time to time or repealed, and all rights of [~~members and managers~~] *partners* are subject to this reservation.

9 New Subdivision; Partnerships; Conversions and Mergers. Amend RSA 304-A by inserting after section 55 the following new subdivision:

Conversions and Mergers

304-A:56 Conversion of Partnership to Limited Partnership or Limited Liability Company.

I. A partnership may be converted to a limited partnership or a limited liability company pursuant to this section.

II. The terms and conditions of a conversion of a partnership to a limited partnership or a limited liability company must be approved by all of the partners.

III. After the conversion is approved by the partners, the partnership shall file a certificate of conversion together with a certificate of limited partnership, in the case of a conversion to a limited partnership, or a certificate of formation, in the case of a conversion to a limited liability company, in the jurisdiction in which the limited partnership or the limited liability company is to be formed and in accordance with the laws applicable to such other entity. The certificate of conversion must include:

- (a) A statement that the partnership was converted to a limited partnership or a limited liability company from a partnership;
- (b) Its former name; and
- (c) A statement that all of the partners approved the conversion.

IV. The conversion takes effect upon the effective date and time of the certificate of limited partnership or the certificate of formation of the limited liability company, as the case may be.

V. A general partner who becomes a limited partner of a limited partnership or a member of a limited liability company as a result of the conversion remains liable as a general partner for an obligation incurred by the partnership before the conversion takes effect. If the other party to a transaction with the limited partnership or limited liability company reasonably believes when entering the transaction that the limited partner or member is a general partner, the limited partner or member is liable for an obligation incurred by the limited partnership or limited liability company within 90 days after the conversion takes effect. The liability of the limited partner or member for all other obligations of the limited partnership or the limited liability company incurred after the conversion takes effect is that of a limited partner or a member, as the case may be, as provided in RSA 304-B and RSA 304-C.

#### 304-A:57 Conversion of Limited Partnership or Limited Liability Company to Partnership.

I. A limited partnership or a limited liability company may be converted to a partnership pursuant to this section and the laws applicable to such entities.

II. After the conversion is approved by the partners of a limited partnership in accordance with applicable law, the limited partnership shall cancel its certificate of limited partnership.

III. After the conversion is approved by the members of a limited liability company in accordance with applicable law, the limited liability company shall file a certificate of cancellation in the manner required by applicable law.

IV. The conversion takes effect upon the effective date and time of the certificate of cancellation of the limited partnership or the certificate of cancellation of the limited liability company, as the case may be.

V. A limited partner of a limited partnership or a member of a limited liability company who becomes a general partner as a result of the conversion remains liable only as a limited partner or a member for an obligation incurred by the limited partnership or the limited liability company before the conversion takes effect and is liable as a general partner for an obligation of the partnership incurred after the conversion takes effect.

#### 304-A:58 Effect of Conversion; Entity Unchanged.

I. A partnership, limited partnership, or limited liability company that has been converted pursuant to RSA 304-A:56 or 304-A:57 is for all purposes the same entity that existed before the conversion.

##### II. When a conversion takes effect:

(a) All property owned by the converting partnership, limited partnership, or limited liability company remains vested in the converted entity;

(b) All obligations of the converting partnership, limited partnership, or limited liability company continue as obligations of the converted entity; and

(c) An action or proceeding pending against the converting partnership, limited partnership or limited liability company may be continued as if the conversion had not occurred.

#### 304-A:59 Merger of Partnerships.

I. Pursuant to a plan of merger approved as provided in paragraph III, a partnership may be merged with one or more partnerships, or with one or more limited partnerships or limited liability companies to the extent permitted by the laws applicable to such entities.

##### II. The plan of merger must set forth:

(a) The name of each partnership, limited partnership, or limited liability company that is a party to the merger;

(b) The name of the surviving entity into which the other partnerships, limited partnerships, or limited liability companies will merge;

(c) Whether the surviving entity is a partnership, a limited partnership, or a limited liability company and the status of each partner;

(d) The terms and conditions of the merger;

(e) The manner and basis of converting the interests of each party to the merger into interests or obligations of the surviving entity, or into money or other property in whole or part; and

(f) The street address of the surviving entity's chief executive office.

III. The plan of merger must be approved:

- (a) In the case of a partnership that is a party to the merger, by all of the partners;
- (b) In the case of a limited partnership that is a party to the merger, by the vote required for approval of a merger by the law of the state or foreign jurisdiction in which the limited partnership is organized and, in the absence of such a specifically applicable law, by all of the partners, notwithstanding a provision to the contrary in the partnership agreement; and
- (c) In the case of a limited liability company that is a party to the merger by the vote required by the law of the jurisdiction in which the limited liability company is organized.

IV. After a plan of merger is approved and before the merger takes effect, the plan may be amended or abandoned as provided in the plan.

V. A merger takes effect:

- (a) If a certificate of merger is required to be filed pursuant to RSA 304-A:61, upon the effective date of the certificate of merger; or
- (b) If a certificate of merger is not required to be filed pursuant to RSA 304-A:61, upon the approval of the plan of merger by all parties to the merger as provided in paragraph III unless the plan of merger specifies a delayed effective date and time, in which event the merger shall take effect upon such specified date and time.

304-A:60 Effect of Merger.

I. When a merger takes effect:

- (a) The separate existence of every partnership, limited partnership, or limited liability company that is a party to the merger, other than the surviving entity, ceases;
- (b) All property owned by each of the merged partnerships, limited partnerships, or limited liability companies vests in the surviving entity;
- (c) All obligations of every partnership, limited partnership, or limited liability company that is a party to the merger become the obligations of the surviving entity; and
- (d) An action or proceeding pending against a partnership, limited partnership, or limited liability company that is a party to the merger may be continued as if the merger had not occurred, or the surviving entity may be substituted as a party to the action or proceeding.

II. The secretary of state is the agent for service of process in an action or proceeding against a surviving foreign partnership, limited partnership, or limited liability company to enforce an obligation of a domestic partnership, limited partnership, or limited liability company that is a party to a merger. The surviving entity shall promptly notify the secretary of state of the mailing address of its chief executive office and of any change of address. Upon receipt of process, the secretary of state shall mail a copy of the process to the surviving foreign partnership, limited partnership, or limited liability company.

III. A partner of a surviving partnership or limited partnership is liable for:

- (a) All obligations of a party to the merger for which the partner was personally liable before the merger;
- (b) All other obligations of the surviving entity incurred before the merger by a party to the merger, but those obligations may be satisfied only out of property of the entity; and
- (c) All obligations of the surviving entity incurred after the merger takes effect, but those obligations may be satisfied only out of property of the entity if the partner is a limited partner.

IV. If the obligations incurred before the merger by a partnership that is a party to the merger are not satisfied out of the property of the surviving entity, the partners of that party immediately before the effective date of the merger shall contribute the amount necessary to satisfy that party's obligations to the surviving entity, in the manner provided in RSA 304-A:40 or in the limited partnership act of the jurisdiction in which the party was formed, as the case may be, as if the merged party were dissolved.

304-A:61 Certificate of Merger.

I. In a merger of a limited liability company, registered limited liability partnership, or a limited partnership with a partnership in which a partnership is the surviving entity, the surviving entity shall file in the office of the secretary of state a certificate of merger, together with payment of a filing fee of \$35.

II. A certificate of merger must contain:

- (a) The name of each partnership, limited partnership, or limited liability company that is a party to the merger;

(b) The name of the surviving entity into which the other entities were merged;

(c) The street address of the surviving entity's chief executive office and of an office in this state, if any;

(d) A statement that the executed agreement of merger is on file at the principal place of business of the surviving business entity and the address thereof; and

(e) A statement that a copy of the agreement of merger will be furnished by the surviving partnership, on request and without cost, to any limited partner of any constituent limited partnership or any member of any constituent limited liability company.

III. Except as otherwise provided in paragraph IV, for the purposes of RSA 304-A:10, property of a surviving partnership which before the merger was held in the name of another party to the merger is property held in the name of the surviving entity upon filing a statement of merger.

IV. For the purposes of RSA 304-A:10, real property of a surviving partnership which before the merger was held in the name of another party to the merger is property held in the name of the surviving entity upon recording a certified copy of the certificate of merger, if a certificate of merger is required by paragraph I, and otherwise a certificate of merger satisfying the requirements of paragraph II acknowledged by all persons executing the certificate, in the registry of deeds of the county in which the real property is located.

V. A filed and, if appropriate, recorded certificate of merger, stating the name of a partnership, limited partnership, or limited liability company that is a party to the merger in whose name property was held before the merger and the name of the surviving entity, but not containing all of the other information required by paragraph II, operates with respect to the partnerships, limited partnerships, or limited liability companies named to the extent provided in paragraphs III and IV.

304-A:62 Nonexclusive. This subdivision is not exclusive. Partnerships may be converted or merged in any other manner provided by law.

10 Certificate of Limited Partnership; Effective Date. Amend RSA 304-B:8, II to read as follows:

II. A limited partnership is formed at the [time] *close of business on the date* of the filing of the certificate of limited partnership in the office of the secretary of state, together with the certificate required by RSA 421-B:13, I-a(b), or [any later time] *the effective time or the delayed effective time and date* specified in accordance with RSA 304-B:13, IV in the certificate of limited partnership if, in [either] any case, there has been substantial compliance with the requirements of this section.

11 Cancellation of Certificate; Effective Date. Amend RSA 304-B:10, IV to read as follows:

IV. The effective date [~~(which shall be a date certain)~~] *and time* of cancellation if it is not to be effective upon *the close of business on the date* of the filing of the certificate; and

12 Execution of Certificates. Amend RSA 304-B:11, I to read as follows:

I. Each certificate required by this [subdivision] *chapter* to be filed in the office of the secretary of state shall be executed in the following manner:

(a) An original certificate of limited partnership must be signed by all general partners;

(b) A certificate of amendment must be signed by at least one general partner and by each other general partner designated in the certificate as a new general partner; [and]

(c) A certificate of cancellation must be signed by all general partners[-]; and

(d) *A certificate of merger and a certificate of conversion must be signed by all the general partners.*

13 Filing in Office Of Secretary of State; Certificate of Limited Partnership. Amend RSA 304-B:13 to read as follows:

304-B:13 Filing in Office of Secretary of State.

I. Two signed copies of the certificate of limited partnership and of any certificates of amendment or cancellation (or of any judicial decree of amendment or cancellation) *and of any certificate of merger or certificate of conversion* shall be delivered to the secretary of state. A person who executes a certificate as an agent or fiduciary need not exhibit evidence of [his] authority as a prerequisite to filing. Unless the secretary of state finds that any certificate does not conform to law, upon receipt of all filing fees required by law [he] *the secretary of state* shall:

(a) Endorse on each duplicate original the word "filed" and the day, month and year of the filing thereof;

(b) File one duplicate original in [his] *the secretary of state's* office; and

(c) Return the other duplicate original to the person who filed it or [his] *the person's* representative.

II. Upon the ~~filing~~ *effective date and time* of a certificate of amendment (or judicial decree of amendment) in the office of the secretary of state, the certificate of limited partnership shall be amended as set forth therein, and upon the effective date *and time* of a certificate of cancellation (or a judicial decree thereof), the certificate of limited partnership is cancelled.

*III. Except as provided in paragraph IV, a document accepted for filing is effective:*

*(a) At the close of business on the date it is filed, as evidenced by the secretary of state's date endorsement of the original document; or*

*(b) At the time specified in the document as its effective time on the date it is filed.*

*IV. A document filed in the office of the secretary of state may specify a delayed effective time and date, and if it does so the document becomes effective at the time and date specified. If a delayed effective date but no time is specified, the document is effective as of the close of business on that date. A delayed effective date for a document shall not be later than the ninth day after the date it is filed.*

14 New Subdivisions; Limited Partnership; Mergers and Conversions; Dissenters' Rights. Amend RSA 304-B by inserting after section 16 the following new subdivisions:

Mergers and Conversions

304-B:16-a Merger.

I. As used in this section, "other business entity" means a domestic or foreign corporation, limited liability company, or partnership, whether general or limited, that is authorized by applicable statute to merge with a limited partnership.

II. Pursuant to an agreement of merger, a limited partnership may merge with or into one or more limited partnerships or other business entities, with such limited partnership or such other business entity as the agreement shall provide being the surviving limited partnership or other business entity.

III. Each such limited partnership and other entity shall enter into a written agreement or plan of merger. The agreement shall state:

(a) The terms and conditions of the merger;

(b) The mode of carrying the same into effect;

(c) The manner of converting the partnership interests of each such limited partnership and the shares or the limited liability company or partnership interests of each such other entity into shares, limited liability company or partnership interests, or other securities of the entity surviving from such merger, and if any partnership interests of any such limited partnership or any shares limited partnership or limited liability company or partnership interests of any such other entity are not to be converted solely into shares, limited liability company or partnership interests, or other securities of the entity surviving from such merger, the cash, property, rights or securities of any other corporation or entity which the holders of such shares or limited liability company or partnership interests are to receive in exchange for, or upon conversion of such shares or limited partnership or limited liability company interests and the surrender of any certificates evidencing such shares or interests which cash, property, rights or securities of any other corporation or entity may be in addition to or in lieu of shares, limited liability company or partnership interests, or other securities of the entity surviving from such merger; and

(d) Such other details or provisions as are deemed desirable, including, without limiting the generality of the foregoing, a provision for the payment of cash in lieu of the issuance of fractional shares or interests of the surviving corporation or other entity. Any of the terms of the agreement or plan of merger may be made dependent upon facts ascertainable outside of such agreement or plan provided that the manner in which such facts shall operate upon the terms of the agreement or plan is clearly and expressly set forth in the agreement or plan of merger.

IV. Unless otherwise provided in the partnership agreement, a merger shall be approved by each limited partnership which is to merge (1) by all general partners, and (2) by the limited partners or, if there is more than one class or group of limited partners, then by each class or group of limited partners, in either case, by limited partners who own more than 50 percent of the then current percentage or other interest in the profits of the limited partnership owned by all of the limited partners or by the limited partners in each class or group, as appropriate. In connection with a merger hereunder, rights or securities of, or interests in, a limited partnership or other business entity which is a constituent party to the merger may be exchanged for or converted into cash, property, rights or securities of, or interests in, the surviving limited partnership or other business entity or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interests in, a limited partner-

ship or other business entity which is not the surviving limited partnership or other business entity in the merger. Notwithstanding prior approval, an agreement of merger may be terminated or amended pursuant to a provision for such termination or amendment contained in the agreement of merger at any time before the certificate of merger is filed.

V. If a limited partnership is merging under this section, the limited partnership or other business entity surviving in the merger shall file in the office of the secretary of state a certificate of merger setting forth:

(a) The name and jurisdiction of formation or organization of each of the limited partnerships or other business entities which is to merge;

(b) That an agreement of merger has been approved and executed by each of the limited partnerships or other business entities which is to merge;

(c) The name of the surviving limited partnership or other business entity;

(d) If a corporation is the surviving entity of the merger, the plan of merger;

(e) If shareholder approval of any corporation party to the merger was not required, a statement to that effect;

(f) If approval of the shareholders of one or more corporations party to the merger or share exchange was required:

(1) The designation, number of outstanding shares, and number of votes entitled to be cast by each voting group entitled to vote separately on the plan as to each corporation; and

(2) Either the total number of votes cast for and against the plan by each voting group entitled to vote separately on the plan or the total number of undisputed votes cast for the plan separately by each voting group and a statement that the number cast for the plan by each voting group was sufficient for approval by that voting group.

(g) In the case of a merger in which a corporation is the surviving entity, such amendments or changes in the articles of incorporation of the surviving corporation as are desired to be effected by the merger, or, if no such amendments or changes are desired, a statement that the articles of incorporation of the surviving corporation shall be its articles of incorporation;

(h) If the surviving business entity is not a corporation, that the executed agreement of merger is on file at the principal place of business of the surviving business entity and the address thereof;

(i) That a copy of the agreement of merger will be furnished by the surviving limited partnership or other business entity, on request and without cost, to any partner or any limited partnership or any person holding an interest in any other business entity which is to merge;

VI. Upon the merger taking effect, a surviving foreign other entity of a merger is deemed:

(a) To appoint the secretary of state as its agent for service of process in a proceeding to enforce any obligation or the rights of dissenting partners of each limited partnership party to the merger; and

(b) To agree that it will promptly pay to the dissenting parties of each limited partnership party to the merger or share exchange the amount, if any, to which they are entitled under RSA 304-C:16-b.

VII. A merger shall be effective upon the effective date and time of the certificate of merger.

VIII. A certificate of merger shall act as a certificate of cancellation for a domestic limited partnership which is not the surviving entity in the merger.

IX. Notwithstanding anything to the contrary contained in a partnership agreement, a partnership agreement containing a specific reference to this paragraph may provide that an agreement of merger approved in accordance with paragraph VII of this section may (1) effect any amendment to the partnership agreement or (2) effect the adoption of a new partnership agreement for a limited partnership if it is the surviving limited partnership in the merger. Any amendment to a partnership agreement or adoption of a new partnership agreement made pursuant to the foregoing sentence shall be effective at the effective time or date of the merger. The provisions of this paragraph shall not be construed to limit the accomplishment of a merger or of any of the matters referred to herein by any other means provided for in a partnership agreement or other agreement or as otherwise permitted by law, including that the partnership agreement of any constituent limited partnership to the merger (including a limited partnership formed for the purpose of consummating a merger) shall be the partnership agreement of the surviving limited partnership.

X. When any merger shall have become effective under this section, for all purposes of the laws of the state of New Hampshire, all of the rights, privileges and powers of each of the limited partnerships and other business entities that have merged, and all property, real, personal and mixed, and all debts due to any of said limited partnerships and other business entities, as well as all other things and causes of action belonging to each of such limited partnerships and other business entities, shall be vested in the surviving limited partnership or other business entity, and shall thereafter be the property of the surviving limited partnership or other business entity as they were of each of the limited partnerships and other business entities that have merged, and the title to any real property vested by deed or otherwise, under the laws of the state of New Hampshire, in any of such limited partnerships and other business entities, shall not revert or be in any way impaired by reason of this chapter; but all rights of creditors and all liens upon any property of any of said limited partnerships and other business entities shall be preserved unimpaired, and all debts, liabilities and duties of each of the limited partnerships and other business entities that have merged shall thenceforth attach to the surviving limited partnership or other business entity, and may be enforced against it to the same extent as if said debts, liabilities, and duties had been incurred or contracted by it. Unless otherwise agreed, a merger of a limited partnership, including a limited partnership which is not the surviving entity in the merger, shall not require such limited partnership to wind up its affairs under RSA 304-B:46 or pay its liabilities and distribute its assets under RSA 304-B:47.

XI. Except as provided by agreement with a person to whom a general partner of a limited partnership is obligated, a merger of a limited partnership that has become effective shall not affect any obligation or liability existing at the time of such merger of a general partner of a limited partnership which is merging.

XII. If a limited partnership is a constituent party to a merger that shall have become effective, but the limited partnership is not the surviving entity of the merger, then a judgment creditor of a general partner of such limited partnership may not levy execution against the assets of the general partner to satisfy a judgment based on a claim against the surviving entity of the merger unless:

(a) a judgment based on the same claim has been obtained against the surviving entity of the merger and a writ of execution on the judgment has been returned unsatisfied in whole or in part;

(b) The surviving entity of the merger is a debtor in bankruptcy;

(c) The general partner has agreed that the creditor need not exhaust the assets of the limited partnership that was not the surviving entity of the merger;

(d) The general partner has agreed that the creditor need not exhaust the assets of the surviving entity of the merger;

(e) A court grants permission to the judgment creditor to levy execution against the assets of the general partner based on a finding that the assets of the surviving entity of the merger that are subject to execution are clearly insufficient to satisfy the judgment, that exhaustion of the assets of the surviving entity of the merger is excessively burdensome, or that the grant of permission is an appropriate exercise of the court's equitable powers; or

(f) Liability is imposed on the general partner by law or contract independent of the existence of the surviving entity of the merger.

304-B:16-b Approval of Conversion of a Limited Partnership. A limited partnership may convert to an other business entity, as defined in RSA 304-B:16-a, I, other than a limited partnership, upon the authorization of such conversion in accordance with this section and to the extent authorized by and in accordance with the laws applicable to conversion to such other business entity. If the partnership agreement specifies the manner of authorizing a conversion of the limited partnership, the conversion shall be authorized as specified in the partnership agreement. If the partnership agreement does not specify the manner of authorizing a conversion of the limited partnership and does not prohibit a conversion of the limited partnership, the conversion shall be authorized in the same manner as is specified in the partnership agreement for authorizing a merger that involves the limited partnership as a constituent party to the merger. If the partnership agreement does not specify the manner of authorizing a conversion of the limited partnership or a merger that involves the limited partnership as a constituent party and does not prohibit a conversion of the limited partnership, the conversion shall be authorized by the approval (1) by all general partners, and (2) by the limited partners or, if there is more than one class or group of limited partners, then by each

class or group of limited partners, in either case, by limited partners who own more than 50 percent of the then current percentage or other interest in the profits of the limited partnership owned by all of the limited partners or by the limited partners in each class or group, as appropriate.

#### Dissenters' Rights

##### 304-B:16-c Definitions and Construction. In this subdivision:

I. "Dissenter" means a limited partner who is entitled to dissent from limited partnership action under RSA 304-B:16-d and who exercises that right when and in the manner required under this subdivision.

II. "Fair value" means the value of the dissenter's partnership interest of a limited partnership immediately before the effective date of the limited liability action referred to in RSA 304-B:16-d, excluding any appreciation or depreciation in anticipation of the limited partnership action.

III. "Interest" means interest from the effective date of the action referred to in RSA 304-B:16-d that gave rise to the limited partner's right to dissent until the date of payment, at the average auction rate paid on United States treasury bills with a maturity of 6 months (or the closest maturity thereto) as of the auction date for such treasury bills closest to such effective date.

IV. "Limited partnership" means a limited partnership whose limited partners have obtained rights to dissent under RSA 304-B:16-d and includes any successor by merger or conversion.

##### 304-B:16-d Dissenters' Rights.

I. A limited partner is entitled to dissent from, and obtain payment of the fair value of the limited partner's partnership interest upon either of the following actions:

- (a) Consummation of a plan of merger to which the limited partnership is a party.
- (b) Consummation of a plan of conversion of the limited partnership to some other business entity.

II. A limited partner entitled to dissent and obtain payment for such limited partner's partnership interest under this subdivision may not challenge the limited partnership action creating such limited partner's entitlement unless the action is unlawful or fraudulent with respect to the limited partner or the limited partnership.

##### 304-B:16-e Notice of Dissenters' Rights.

I. If the proposed action of the limited partnership creating dissenters' rights under RSA 304-B:16-d is submitted to a vote at a meeting of the limited partners, the meeting notice must state that limited partners are or may be entitled to assert dissenters' rights under this subdivision and be accompanied by a copy of this subdivision.

II. If the limited partnership action creating dissenters' rights under RSA 304-B:16-d is taken without a vote of the limited partners, the limited partnership shall notify in writing all limited partners entitled to assert dissenters' rights that the action was taken and send them the dissenters' notice described in RSA 304-B:16-g.

III. A limited partnership's failure to give notice pursuant to this section shall not invalidate the limited partnership action.

##### 304-B:16-f Notice of Intent to Demand Payment.

I. If proposed action of a limited partnership creating dissenters' rights under RSA 304-B:16-d is submitted to a vote at a meeting of the limited partners, a limited partner who wishes to assert dissenters' rights shall:

- (a) Deliver to the limited partnership before the vote is taken a written notice of the member's intent to demand payment for the limited partner's limited partnership interest if the proposed action is effectuated.

- (b) Not vote the limited partner's limited partnership interest in favor of the proposed action.

II. No such written notice of intent to demand payment is required of any limited partner to whom the limited partnership has failed to provide the notice required by RSA 304-B:16-e.

III. A limited partner who does not satisfy the requirements of this section is not entitled to payment for such limited partner's limited partnership interest under this subdivision.

##### 304-B:16-g Dissenters' Notice.

I. If proposed action of a limited partnership creating dissenters' rights under RSA 304-B:16-d is authorized at a meeting of the limited partners, the limited partnership shall deliver a written dissenters' notice to all limited partners who have satisfied the requirements of RSA 304-B:16-f.

II. The dissenters' notice must be sent no later than 10 days after the action of the limited partnership was authorized by the members or effectuated, whichever is the first to occur, and shall:

(a) State where the payment demand shall be sent;

(b) Supply a form for demanding payment that includes the date of the first announcement to news media or to limited partners of the principal terms of the proposed limited partnership action and requires that the person asserting dissenters' rights certify whether or not the limited partner acquired the limited partnership interest before that date;

(c) Set a date by which the limited partnership must receive the payment demand, which date may not be fewer than 30 days and not more than 60 days after the date of the notice required by paragraph II is sent; and

(d) Be accompanied by a copy of this subdivision if the limited partnership has not previously sent a copy of this subdivision to the limited partner pursuant to RSA 304-B:16-e.

#### 304-B:16-h Duty to Demand Payment.

I. A limited partner sent a dissenters' notice described in RSA 304-B:16-g must demand payment and certify whether the limited partner acquired the limited partnership interest before the date required to be set forth in the dissenters' notice pursuant to RSA 304-B:16-g.

II. A limited partner who demands payment under paragraph I retains all of the rights of a limited partner until those rights are canceled or modified by consummation of the proposed action of the limited partnership.

III. A limited partner who does not demand payment by the date set forth in the dissenters' notice is not entitled to payment of fair value for such limited partner's partnership interest under this subdivision.

IV. A demand for payment filed by a limited partner may not be withdrawn unless the limited partnership with which it was filed or the surviving limited partnership or other business entity consents to such withdrawal.

#### 304-B:16-i Payment.

I. Except as provided in RSA 304-B:16-k, as soon as the proposed limited partnership action is effectuated, or upon receipt of a payment demand, whichever is later, the limited partnership shall pay each dissenter who complied with RSA 304-B:16-h the amount the limited partnership estimates to be the fair value of such dissenter's partnership interest, plus accrued interest.

II. The payment shall be accompanied by:

(a) The limited partnership's balance sheet as of the end of a fiscal year ending not more than 16 months before the date of payment, an income statement for that year, and the latest available interim financial statements, if any;

(b) A statement of the limited partnership's estimate of the fair value of the limited partnership interest;

(c) An explanation of how the value of the limited partnership interest was calculated;

(d) A statement of the dissenter's right to demand payment under RSA 304-B:16-l; and

(e) A copy of this subdivision, if the limited partnership has not previously sent a copy of this subdivision to the limited partner pursuant to RSA 304-B:16-e or RSA 304-B:16-g.

304-B:16-j Failure to Take Action. If the limited partnership does not effectuate the proposed action that gave rise to the dissenters' rights within 60 days after the date set for demanding payment, it shall send a new dissenters' notice under RSA 304-B:16-e and repeat the payment demand procedure if it effectuates the proposed action.

#### 304-B:16-k After-Acquired Limited Partnership Interests.

I. A limited partnership may elect to withhold payment required by RSA 304-B:16-i from a dissenter unless the dissenter was a limited partner before the date set forth in the dissenters' notice as the date of the first announcement to news media or to limited partners of the principal terms of the proposed limited partnership action.

II. To the extent the limited partnership elects not to withhold payment under paragraph I, after effectuating the proposed limited partnership action, it shall estimate the fair value of the limited partnership interest, plus accrued interest, and shall pay this amount to each dissenter who agrees to accept it in full satisfaction of the dissenter's demand. The limited partnership shall send with its offer a statement of its estimate of the fair value of the limited partnership interest, an explanation of how the interest was calculated, and a statement of the dissenter's right to demand payment under RSA 304-B:16-l.

#### 304-B:16-l Procedure if Limited Partner Dissatisfied With Payment of Offer.

I. A dissenter may notify the limited partnership in writing of the dissenter's own estimate of the fair value of such dissenter's limited partnership interest and amount of interest due, and de-

mand payment of the dissenter's estimate (less any payment under RSA 304-B:16-i), or reject the limited partnership's offer under RSA 304-B:16-k; and demand payment of the fair value of the limited partnership interest and interest due, if:

(a) The dissenter believes that the amount paid under RSA 304-B:16-i or offered under RSA 304-B:16-k is less than the fair value of such dissenter's limited partnership interest or that the interest due is incorrectly calculated; or

(b) The limited partnership fails to make payment under RSA 304-B:16-i within 60 days after the date set for demanding payment.

II. A dissenter waives the right to demand payment under this section unless the dissenter notifies the limited partnership of such dissenter's demand in writing under paragraph I within 30 days after the limited partnership made or offered payment for such dissenter's limited partnership interest.

#### 304-B:16-m Court Action.

I. If a demand for payment under RSA 304-B:16-l remains unsettled, the limited partnership shall commence a proceeding within 60 days after receiving the payment demand and petition the court to determine the fair value of the limited partnership interest and accrued interest. If the limited partnership does not commence the proceeding within the 60-day period, it shall pay each dissenter whose demand remains unsettled the amount demanded.

II. The limited partnership shall commence the proceeding in superior court of the county where the limited partnership's principal executive office (or, if none in this state, its registered office) is located. If the limited partnership is a foreign entity without a registered office in this state, it shall commence the proceeding in the county in this state where the registered office of the domestic limited partnership merged with or converted into the foreign entity was located.

III. The limited partnership shall make all dissenters (whether or not residents of this state) whose demands remain unsettled parties to the proceeding as in an action against their limited partnership interests, and all parties must be served with a copy of the petition. Nonresidents may be served by registered or certified mail or by publication as provided by law.

IV. The jurisdiction of the court in which the proceeding is commenced under paragraph II is plenary and exclusive. The court may appoint one or more persons as appraisers to receive evidence and recommend decision on the question of fair value. The appraisers have the powers described in the order appointing them, or in any amendment to it. The dissenters are entitled to the same discovery rights as parties in other civil proceedings.

V. Each dissenter made a party to the proceeding is entitled to judgment:

(a) For the amount, if any, by which the court finds the fair value of the dissenter's partnership interest plus accrued interest exceeds the amount paid by the limited partnership; or

(b) For the fair value, plus accrued interest, of such dissenter's after-acquired partnership interests for which the limited partnership elected to withhold payment under RSA 304-B:16-k.

VI. The limited partnership is entitled to judgment against each specific dissenter for the amount, if any, by which the court finds the fair value of such dissenter's partnership interest, plus accrued interest, is less than the amount paid by the limited partnership to each dissenter.

#### 304-B:16-n Court Costs and Counsel Fees.

I. The court in an appraisal proceeding commenced under RSA 304-B:16-m shall determine all costs of the proceeding, including the reasonable compensation and expenses of appraisers appointed by the court. The court shall assess the costs against the limited partnership, except that the court may assess costs against all or some of the dissenters, in amounts the court finds equitable, to the extent the court finds the dissenters acted arbitrarily, vexatiously, or not in good faith in demanding payment under RSA 304-B:16-l.

II. The court may also assess the fees and expenses of counsel and experts for the respective parties, in amounts the court finds equitable:

(a) Against the limited partnership and in favor of any or all dissenters if the court finds the limited partnership did not substantially comply with the requirements of RSA 304-B:16-d through 304-B:16-l.

(b) Against either the limited partnership or a dissenter, in favor of any other party, if the court finds that the party against whom the fees and expenses are assessed acted arbitrarily, vexatiously, or not in good faith with respect to the rights provided by this subdivision.

III. If the court finds that the services of counsel for any dissenter were of substantial benefit to other dissenters similarly situated and that the fees for those services should not be assessed against the limited partnership, the court may award to these counsel reasonable fees to be paid out of the amounts awarded to the dissenters who were benefited.

304-B:16-o Procedures as to Assignees of Financial Rights.

I. When an assignment of all or a portion of a limited partnership interest is in effect and a copy delivered to the limited partnership prior to the action described in RSA 304-B:16-i, then as to that limited partnership interest the provisions of RSA 304-B:16-c through 304-B:16-n must be followed subject to the requirements of this section.

II. If the limited partner has not ceased to be a partner upon assignment of the limited partner's partnership interest prior to the action described in RSA 304-B:16-i, all rights to be exercised and actions to be taken by a limited partner under RSA 304-B:16-d through 304-B:16-n shall be taken by the limited partner and not by an assignee of the limited partner's partnership interest. As between the limited partnership and the assignees, the actions taken or omitted by the limited partner bind the assignees, and the following requirements shall apply:

(a) Instead of remitting a payment under RSA 304-B:16-i, the limited partnership shall forward to the dissenter limited partner:

(1) The materials described in RSA 304-B:16-i, II;

(2) An offer to pay the amount listed in the materials, with that amount to be allocated among and paid to the limited partner and the assignees of the limited liability company interest according to the terms of the assignments reflected in the required records; and

(3) A statement of that allocation.

(b) If the dissenter limited partner accepts the amount of the offer made under subparagraph (a) but disputes the allocation, the dissenter shall promptly so notify the limited partnership and within 60 days after the notification commence a proceeding and petition the court to determine the proper allocation. The limited partner shall commence the proceeding in superior court of the county in which the principal office of the limited partnership (or if none, its registered office) is located, or in the case of a surviving foreign limited partnership or other entity that is complying with this section following a merger with or conversion of limited partnership, the limited partner shall commence the proceeding in superior court the county in this state in which the last registered office of the limited partnership was located. The petition shall name as parties the limited partner, the limited partnership and all assignees of the limited partner's limited partnership interest. Upon being served with the petition, the limited partnership shall promptly pay into the court the amount offered under paragraph II and shall then be dismissed from the proceeding.

(c) If the dissenter considers the amount offered under subparagraph (a) inadequate, the dissenter may decline the offer and demand payment under RSA 304-B:16-l. If the dissenter makes demand for payment, RSA 304-B:16-m and 304-B:16-n apply with the court having jurisdiction also to determine the correctness of the allocation.

(d) If the limited partner fails to take action under either subparagraph (b) or (c), then:

(1) As to the limited partnership, both the member and the assignees of the limited partner's limited partnership interests are limited to the amount and allocation offered under subparagraph (a); and

(2) The limited partnership discharges its obligation of payment by making payment according to the amount and allocation offered under subparagraph (a).

III. If the limited partner has ceased to be a limited partner upon assignment of the limited partner's partnership interest, the assignees of the limited partner's partnership interest shall be entitled to exercise all rights of the limited partner pursuant to RSA 304-B:16-d through 304-B:16-n.

15 New Paragraph; Limited Partnerships; Certificate of Merger Fee. Amend RSA 304-B:64 by inserting after paragraph III the following new paragraph:

IV. For a certificate of merger, \$35.

16 New Paragraph; Limited Liability Companies; Definition; Business Entity. Amend RSA 304-C:1 by inserting after paragraph I the following new paragraph:

I-a. "Business entity" means a domestic or foreign limited liability company, corporation, general partnership, or limited partnership.

17 Limited Liability Companies; Definitions. Amend RSA 304-C:1, V and the introductory paragraph of 304-C:1, VI to read as follows:

V. "Limited liability company" and "domestic limited liability company" mean a limited liability company formed under the laws of New Hampshire and having [2] *one* or more members.

VI. "Limited liability company agreement" means a written agreement of the members *or a document adopted by the sole member* as to the affairs of a limited liability company and the conduct of its business. A limited liability company agreement or another written agreement or writing:

18 Limited Liability Company; Filing Requirements. Amend RSA 304-C:2, VI(c) to read as follows:

(c) If the limited liability company is in the hands of a receiver, [trustee] *executor*, or other court appointed fiduciary, *trustee, or other fiduciary*, by that fiduciary.

19 Mergers and Conversions. Amend the subdivision heading preceding RSA 304-C:18 to read as follows:

#### *Merger and Conversion*

20 New Sections; Conversions of or to a Limited Liability Company. Amend RSA 304-C by inserting after section 17 the following new sections in the subdivision "merger and conversion":

304-C:17-a Conversion of Other Business Entities to Limited Liability Companies.

I. Any business entity may convert to a limited liability company by complying with the requirements of this section.

II. Each business entity that proposes to convert to a limited liability company shall approve a plan of conversion in the manner and by the vote required by the laws applicable to such business entity.

III. A plan of conversion shall set forth the terms and conditions of the conversion of the shares of stock of a corporation, the partnership interests of a partnership or a limited partnership or other equity interests in the converting business entity, as the case may be, into interests in the limited liability company or cash or other consideration to be paid or delivered as a result of the conversion.

IV. A business entity converting to a limited liability company shall file with the secretary of state:

(a) A certificate of conversion to a limited liability company;

(b) A certificate of formation that complies with the requirements of RSA 304-C:12; and

(c) The certificate required by RSA 421-B:13, I-a.

V. The certificate of conversion to a limited liability company shall state:

(a) The date on which and jurisdiction where the business entity was first created, formed, incorporated, or otherwise came into being and, if it has changed, its jurisdiction immediately prior to its conversion to a limited liability company.

(b) The name of the business entity immediately prior to the filing of the certificate of conversion to a limited liability company.

(c) The name of the limited liability company as set forth in its certificate of formation filed in accordance with paragraph IV of this section.

(d) If the business entity is a corporation:

(1) The designation, number of outstanding shares, and number of votes entitled to be cast by each voting group entitled to vote separately on the plan; and

(2) Either the total number of votes cast for and against the plan by each voting group entitled to vote separately on the plan or the total number of undisputed votes cast for the plan separately by each voting group and a statement that the number cast for the plan by each voting group is sufficient for approval by that voting group.

(e) That the plan of conversion is on file at the principal place of business of the limited liability company and the address thereof and that a copy of the plan of conversion will be furnished by the limited liability company, on request and without cost, to any shareholder of the corporation.

VI. A conversion of a business entity to a limited liability company takes effect upon the effective date and time of the certificate of formation.

VII. Upon the effective date of the conversion the converting business entity shall be converted into a limited liability company, and the limited liability company shall thereafter be subject to all of the provisions of this chapter.

VIII. A conversion of a business entity to a limited liability company has the following effects:

(a) The limited liability company shall thereupon and thereafter possess all the rights, privileges, immunities, and powers of the business entity that converted into the limited liability com-

pany and shall be subject to all the restrictions, disabilities, and duties of such business entity to the extent that such rights, privileges, immunities, powers, franchises, restrictions, disabilities, and duties are applicable to a limited liability company.

(b) All property, real, personal and mixed, and all debts due on whatever account, and all other choses in action, and all and every other interest of or belonging to or due to such business entity shall be vested in the limited liability company without further act or deed.

(c) The title to all real estate and other interests therein vested in the business entity converting into the limited liability company shall not revert or be in any way impaired by reason of such conversion.

(d) The limited liability company shall thenceforth be liable for all liabilities and obligations of the business entity converting to the limited liability company and any claim existing or action or proceeding pending by or against such business entity may be prosecuted as if such conversion had not taken place, or the limited liability company may be substituted in the action.

(e) Neither the rights of creditors nor any liens on the property of the business entity converted to a limited liability company shall be impaired by the conversion.

(f) The interests or shares of the business entity that is converted into a limited liability company that are to be converted or exchanged into interests of the limited liability company under the terms of the plan of conversion are so converted, and the former holders thereof are entitled only to the interests in the limited liability company as provided in the plan of conversion or the rights otherwise provided by law.

(g) The conversion shall not be deemed to affect any obligations or liabilities of the converting business entity incurred before its conversion to a limited liability company.

IX. Unless otherwise agreed or as required under applicable law, the converting business entity shall not be required to wind up its affairs or pay its liabilities and distribute its assets, and the conversion shall not be deemed to constitute a dissolution of the converting business entity.

#### 304-C:17-b Approval of Conversion of a Limited Liability Company.

I. A limited liability company may convert to another business entity authorized by applicable statute to be formed by conversion of a limited liability company, upon the authorization of such conversion in accordance with this section and fulfillment of the requirements for conversion of the statute governing conversion into such other entity.

II. If the limited liability company agreement specifies the manner of authorizing a conversion of the limited liability company, the conversion shall be authorized as specified in the limited liability company agreement. If the limited liability company agreement does not specify the manner of authorizing a conversion of the limited liability company and does not prohibit a conversion of the limited liability company, the conversion shall be authorized in the same manner as is specified in the limited liability company agreement for authorizing a merger that involves the limited liability company as a constituent party to the merger.

III. If the limited liability company agreement does not specify the manner of authorizing a conversion of the limited liability company or a merger that involves the limited liability company as a constituent party and does not prohibit a conversion of the limited liability company, the conversion shall be authorized by the approval by more than  $\frac{1}{2}$  by number of the members or, if there is more than one class or group of members, then by each class or group of members, in either case, by a more than  $\frac{1}{2}$  by number of the members in each class or group, as appropriate.

#### 21 Limited Liability Company; Merger. Amend RSA 304-C:18, I to read as follows:

I. Unless otherwise provided in writing in a limited liability company agreement, and subject to any law applicable to business entities other than limited liability companies, one or more limited liability companies may merge with or into one or more other business entities *authorized by applicable statute to merge with a limited liability company*, with the limited liability company or other business entity, as the merger agreement shall provide, being the surviving limited liability company or other business entity.

#### 22 Limited Liability Company; Approval of Merger. Amend RSA 304-C:19, I to read as follows:

I. Unless otherwise provided in a limited liability company agreement, a limited liability company that is a party to a proposed merger shall approve the merger agreement by the consent of more than  $\frac{1}{2}$  by number of the members, *or if there is more than one class or group of members, then by the consent more than  $\frac{1}{2}$  by number of the members of each class or group of members.*

23 New Subdivision; Limited Liability Companies; Dissenters' Rights. Amend RSA 304-C by inserting after section 22 the following new subdivision:

#### Dissenters' Rights

304-C:22-a Definitions and Construction. In this subdivision:

I. "Dissenter" means a member who is entitled to dissent from limited liability company action under RSA 304-C:22-b and who exercises that right when and in the manner required under this subdivision.

II. "Fair value" means the value of the dissenter's limited liability interest of a limited liability company immediately before the effective date of the limited liability action referred to in RSA 304-C:22-b, excluding any appreciation or depreciation in anticipation of the limited liability action.

III. "Interest" means interest from the effective date of the action referred to in RSA 304-C:22-b that gave rise to the member's right to dissent until the date of payment, at the average auction rate paid on United States treasury bills with a maturity of 6 months (or the closest maturity thereto) as of the auction date for such treasury bills closest to such effective date.

IV. "Limited liability company" means a limited liability company whose members have obtained rights to dissent under RSA 304-C:22-b, and includes any successor by merger or conversion.

V. "Member" includes a former member who has ceased to be a member, but who was not entitled to payment for the value of the member's limited liability interest upon cessation of membership.

304-C:22-b Dissenters' Rights.

I. A member of a limited liability company is entitled to dissent from, and obtain payment of the fair value of the member's limited liability company interest, upon any of the following actions:

(a) Consummation of a plan of merger to which the limited liability company is a party.

(b) Consummation of a plan of conversion of the limited liability company to some other business entity.

(c) An amendment to the limited liability company agreement (1) altering or abolishing a right in respect of distribution, (2) altering or abolishing a right to voluntarily withdraw, or (3) altering or abolishing any right of a member to vote on any matter, other than alteration by dilution through the admission of other members or acceptance of contributions.

II. A member entitled to dissent and obtain payment for such member's limited liability company interest under this subdivision may not challenge the limited liability company action creating such member's entitlement unless the action is unlawful or fraudulent with respect to the member or the limited liability company.

304-C:22-c Notice of Dissenters' Rights.

I. If the proposed action of the limited liability company creating dissenters' rights under RSA 304-C:22-b is submitted to a vote at a meeting of the members, the meeting notice must state that members are or may be entitled to assert dissenters' rights under this subdivision and be accompanied by a copy of this subdivision.

II. If the limited liability company action creating dissenters' rights under RSA 304-C:22-b is taken without a vote of the members, the limited liability company shall notify in writing all members entitled to assert dissenters' rights that the action was taken and send them the dissenters' notice described in RSA 304-C:22-e.

III. A limited liability company's failure to give notice pursuant to this section shall not invalidate the limited liability company action.

304-C:22-d Notice of Intent to Demand Payment.

I. If proposed action of a limited liability company creating dissenters' rights under RSA 304-C:22-b is submitted to a vote at a meeting of the members, a member who wishes to assert dissenters' rights shall:

(a) Deliver to the limited liability company before the vote is taken a written notice of the member's intent to demand payment for the member's limited liability company interest if the proposed action is effectuated.

(b) Not vote the member's limited liability company interest in favor of the proposed action.

II. No such written notice of intent to demand payment is required of any member to whom the limited liability company has failed to provide the notice required by RSA 304-C:22-c.

III. A member who does not satisfy the requirements of this section is not entitled to payment for such member's limited liability company interest under this subdivision.

### 304-C:22-e Dissenters' Notice.

I. If proposed action of a limited liability company creating dissenters' rights under RSA 304-C:22-b is authorized at a meeting of the members, the limited liability company shall deliver a written dissenters' notice to all members who have satisfied the requirements of RSA 304-C:22-d.

II. The dissenters' notice must be sent no later than 10 days after the action of the limited liability company was authorized by the members or effectuated, whichever is the first to occur, and shall;

(a) State where the payment demand shall be sent;

(b) Supply a form for demanding payment that includes the date of the first announcement to news media or to members of the principal terms of the proposed limited liability company action and requires that the person asserting dissenters' rights certify whether or not the member acquired limited liability company interest before that date;

(c) Set a date by which the limited liability company must receive the payment demand, which date may not be fewer than 30 days and not more than 60 days after the date of the notice required by paragraph II is sent; and

(d) Be accompanied by a copy of this subdivision if the limited liability company has not previously sent a copy of this subdivision to the member pursuant to RSA 304-C:22-c.

### 304-C:22-f Duty to Demand Payment.

I. A member sent a dissenters' notice described in RSA 304-C:22-e must demand payment and certify whether the member acquired the limited liability company interest before the date required to be set forth in the dissenters' notice pursuant to RSA 304-C:22-e.

II. A member who demands payment under paragraph I retains all of the rights of a member until those rights are canceled or modified by consummation of the proposed action of the limited liability company.

III. A member who does not demand payment by the date set forth in the dissenters' notice is not entitled to payment of fair value for such member's membership interest under this subdivision.

IV. A demand for payment filed by a member may not be withdrawn unless the limited liability company with which it was filed or the surviving limited liability company or other business entity consents to such withdrawal.

### 304-C:22-g Payment.

I. Except as provided in RSA 304-C:22-i, as soon as the proposed limited liability company action is effectuated, or upon receipt of a payment demand, whichever is later, the limited liability company shall pay each dissenter who complied with RSA 304-C:22-f the amount the limited liability company estimates to be the fair value of such dissenter's membership interest, plus accrued interest.

II. The payment must be accompanied by:

(a) The limited liability company's balance sheet as of the end of a fiscal year ending not more than 16 months before the date of payment, an income statement for that year, and the latest available interim financial statements, if any;

(b) A statement of the limited liability company's estimate of the fair value of the membership interest;

(c) An explanation of how the value of the membership interest was calculated;

(d) A statement of the dissenter's right to demand payment under RSA 304-C:22-j; and

(e) A copy of this subdivision, if the limited liability company has not previously sent a copy of this subdivision to the member pursuant to RSA 304-C:22-c or RSA 304-C:22-e.

304-C:22-h Failure to Take Action. If the limited liability company does not effectuate the proposed action that gave rise to the dissenters' rights within 60 days after the date set for demanding payment, it shall send a new dissenters' notice under RSA 304-C:22-c and repeat the payment demand procedure if it effectuates the proposed action.

### 304-C:22-i After-Acquired Limited Liability Company Interests.

I. A limited liability company may elect to withhold payment required by RSA 304-C:22-g from a dissenter unless the dissenter was a member before the date set forth in the dissenters' notice as the date of the first announcement to news media or to members of the principal terms of the proposed limited liability company action.

II. To the extent the limited liability company elects not to withhold payment under paragraph I, after effectuating the proposed limited liability company action, it shall estimate the fair value

of the limited liability company interest, plus accrued interest, and shall pay this amount to each dissenter who agrees to accept it in full satisfaction of the dissenter's demand. The limited liability company shall send with its offer a statement of its estimate of the fair value of the limited liability company interest, an explanation of how the interest was calculated, and a statement of the dissenter's right to demand payment under RSA 304-C:22-j.

**304-C:22-j Procedure if Member Dissatisfied With Payment or Offer.**

I. A dissenter may notify the limited liability company in writing of the dissenter's own estimate of the fair value of such dissenter's limited liability company interest and amount of interest due, and demand payment of the dissenter's estimate (less any payment under RSA 304-C:22-g), or reject the limited liability company's offer under RSA 304-C:22-i and demand payment of the fair value of the limited liability company interest and interest due, if:

(a) The dissenter believes that the amount paid under RSA 304-C:22-g or offered under RSA 304-C:22-i is less than the fair value of such dissenter's limited liability company interest or that the interest due is incorrectly calculated; or

(b) The limited liability company fails to make payment under RSA 304-C:22-g within 60 days after the date set for demanding payment.

II. A dissenter waives the right to demand payment under this section unless the dissenter notifies the limited liability company of such dissenter's demand in writing under paragraph I within 30 days after the limited liability company made or offered payment for such dissenter's limited liability company interest.

**304-C:22-k Court Action.**

I. If a demand for payment under RSA 304-C:22-j remains unsettled, the limited liability company shall commence a proceeding within 60 days after receiving the payment demand and petition the court to determine the fair value of the limited liability company interest and accrued interest. If the limited liability company does not commence the proceeding within the 60-day period, it shall pay each dissenter whose demand remains unsettled the amount demanded.

II. The limited liability company shall commence the proceeding in superior court of the county where the limited liability company's principal executive office (or, if none in this state, its registered office) is located. If the limited liability company is a foreign entity without a registered office in this state, it shall commence the proceeding in the county in this state where the registered office of the domestic limited liability company merged or converted into with the foreign limited liability company was located.

III. The limited liability company shall make all dissenters (whether or not residents of this state) whose demands remain unsettled parties to the proceeding as in an action against their limited liability company interests, and all parties must be served with a copy of the petition. Non-residents may be served by registered or certified mail or by publication as provided by law.

IV. The jurisdiction of the court in which the proceeding is commenced under paragraph II is plenary and exclusive. The court may appoint one or more persons as appraisers to receive evidence and recommend decision on the question of fair value. The appraisers have the powers described in the order appointing them, or in any amendment to it. The dissenters are entitled to the same discovery rights as parties in other civil proceedings.

V. Each dissenter made a party to the proceeding is entitled to judgment:

(a) For the amount, if any, by which the court finds the fair value of the dissenter's membership interest plus accrued interest exceeds the amount paid by the limited liability company; or

(b) For the fair value, plus accrued interest, of such dissenter's after-acquired membership interest for which the limited liability company elected to withhold payment under RSA 304-C:22-i.

VI. The limited liability company is entitled to judgment against each specific dissenter for the amount, if any, by which the court finds the fair value of such dissenter's membership interest, plus accrued interest, is less than the amount paid by the limited liability company to each dissenter.

**304-C:22-l Court Costs and Counsel Fees.**

I. The court in an appraisal proceeding commenced under RSA 304-C:22-k shall determine all costs of the proceeding, including the reasonable compensation and expenses of appraiser appointed by the court. The court shall assess the costs against the limited liability company, except that the court may assess costs against all or some of the dissenters, in amounts the court finds equitable, to the extent the court finds the dissenters acted arbitrarily, vexatiously, or not in good faith in demanding payment under RSA 304-C:22-j.

II. The court may also assess the fees and expenses of counsel and experts for the respective parties, in amounts the court finds equitable:

(a) Against the limited liability company and in favor of any or all dissenters if the court finds the limited liability company did not substantially comply with the requirements of RSA 304-C:22-b through 304-C:22-j.

(b) Against either the limited liability company or a dissenter, in favor of any other party, if the court finds that the party against whom the fees and expenses are assessed acted arbitrarily, vexatiously, or not in good faith with respect to the rights provided by this subdivision.

III. If the court finds that the services of counsel for any dissenter were of substantial benefit to other dissenters similarly situated and that the fees for those services should not be assessed against the limited liability company, the court may award to these counsel reasonable fees to be paid out of the amount awarded to the dissenters who were benefited.

#### 304-C:22-m Procedures as to Assignees of Financial Rights.

I. When an assignment of all or a portion of limited liability company interest is in effect and a copy delivered to the limited liability company prior to the action described in RSA 304-C:22-g, then as to that limited liability company interest the provisions of RSA 304-C:22-a through 304-C:22-l must be followed subject to the requirements of this section.

II. If the member has not ceased to be a member pursuant to RSA 304-C:46, II(b) prior to the action described in RSA 304-C:22-g, all rights to be exercised and actions to be taken by a member under RSA 304-C:22-b through 304-C:22-l shall be taken by the member and not by an assignee of the member's limited liability company interest. As between the limited liability company and the assignees, the actions taken or omitted by the member bind the assignees, and the following requirements shall apply:

(a) Instead of remitting a payment under RSA 304-C:22-g, the limited liability company shall forward to the dissenter member:

(1) The materials described in RSA 304-C:22-g, II;

(2) An offer to pay the amount listed in the materials, with that amount to be allocated among and paid to the member and the assignees of the limited liability company interest according to the terms in of the assignment reflected in the required records; and

(3) A statement of that allocation.

(b) If the dissenter member accepts the amount of the offer made under subparagraph (a) but disputes the allocation, the dissenter shall promptly so notify the limited liability company and within 60 days after the notification commence a proceeding and petition the court to determine the proper allocation. The member shall commence the proceeding in the superior court the of county in which the principal office of the limited liability company (or if none, its registered office) is located, or in the case of a surviving foreign limited liability company or other entity that is complying with this section following a merger with or conversion of a limited liability company, the member shall commence the proceeding in superior court in the county in this state in which the last registered office of the limited liability company was located. The petition shall name as parties the member, the limited liability company and all assignees of the member's limited liability interest. Upon being served with the petition, the limited liability company shall promptly pay into the court the amount offered under paragraph II and shall then be dismissed from the proceeding.

(c) If the dissenter considers the amount offered under subparagraph (a) inadequate, the dissenter may decline the offer and demand payment under RSA 304-C:22-j. If the dissenter makes demand for payment, RSA 304-C:22-k and 304-C:22-l apply with the court having jurisdiction also to determine the correctness of the allocation.

(d) If the member fails to act under either subparagraph (b) or (c), then:

(1) As to the limited liability company, both the member and the assignees of the member's limited liability company interests are limited to the amount and allocation offered under subparagraph (a); and

(2) The limited liability company discharges its obligation of payment by making payment according to the amount and allocation offered under subparagraph (a).

III. If the member has ceased to be a member upon assignment of his limited liability company interest pursuant to RSA 304-C:46, II(b), the assignees of the member's limited liability company interest shall be entitled to exercise all rights of the member pursuant to RSA 304-C:22-b through 304-C:22-l.

24 Single-Member Limited Liability Company. Amend RSA 304-C:23, II to read as follows:

II. After the formation of a limited liability company, a person acquiring a limited liability company interest is admitted as a member of the limited liability company:

(a) In the case of a person acquiring a limited liability company interest directly from the limited liability company, at the time provided in and upon compliance with the limited liability company agreement or, if the limited liability company agreement does not so provide, upon the consent of all members and when the person's admission is reflected in the records of the limited liability company; [or]

(b) In the case of an assignee of a limited liability company interest, as provided in RSA 304-C:46, at the time provided in and upon compliance with the limited liability company agreement or, if the limited liability company agreement does not so provide, when any such person's permitted admission is reflected in the records of the limited liability company[;]; *or*

*(c) In the case of an assignee of a single-member limited liability company interest, upon such assignee's succeeding to the assignor's limited liability company interest under RSA 304-C:48, I(c), without further action.*

25 Limited Liability Company; Meeting of Members. Amend the introductory paragraph of RSA 304-C:24, VIII to read as follows:

VIII. For a limited liability company in which management is vested in fewer than all the members, there shall be, ~~[no less than once each year]~~ *within 30 days of a written demand by any member*, a meeting of the members to consider the affairs of the limited liability company, and to take any action permitted to be taken by the members by law, the limited liability company agreement, or the certificate of formation, *unless there has been such a meeting within 240 days prior to delivery of the demand.*

26 Limited Liability Company; Removal of Member. RSA 304-C:27, I(b) is repealed and reenacted to read as follows:

(b) The member is removed as a member, if the limited liability company agreement neither provides for nor restricts removal of members, in accordance with RSA 304-C:27, IV.

27 New Paragraph; Limited Liability Company; Removal of Member. Amend RSA 304-C:27 by inserting after paragraph III the following new paragraph:

IV. If a limited liability company agreement neither provides for nor restricts removal of members, a member or personal representative exercising powers of a member under RSA 304-C:49 may be removed for inability or unwillingness to exercise management responsibilities, actions beyond authority or contrary to the limited liability company agreement, or fraudulent or illegal actions in relation to the business and affairs of the company:

(a) By a vote of no less than 2/3 by number of the other members acting reasonably and in good faith.

(b) By a court of competent jurisdiction on petition of at least 2 members, or, in the case of a limited liability company with only 2 members, one of the members.

28 Single Member Limited Liability Company; Cessation of Membership. Amend RSA 304-C:27, I(e)(2) and RSA 304-C:27, I(f)-(i) to read as follows:

*(2) Except in the case of a single-member limited liability company, the entry of an order by a court of competent jurisdiction adjudicating the member incompetent to manage the member's person or estate.*

(f) Unless otherwise provided in a limited liability company agreement or by the written consent of all members at the time[;]:

*(I) In the case of a member who is a trust or is acting as a member by virtue of being a trustee of a trust, the termination of the trust, but not merely the substitution of a new trustee.*

~~[(g)](2) [Unless otherwise provided in an agreement or by the written consent of all members at the time;]~~ In the case of a member that is a separate limited liability company, the dissolution and commencement of winding up of the separate limited liability company.

~~[(h)](3) [Unless otherwise provided in a limited liability company agreement or by the written consent of all members at the time;]~~ In the case of a member that is a corporation, the filing of a certificate of its dissolution or the equivalent for the corporation or the administrative or judicial dissolution of the corporation and the lapse of 90 days after notice to the corporation of such dissolution without reinstatement.

~~[(i)](4) [Unless otherwise provided in a limited liability company agreement or by the written consent of all members at the time,]~~ In the case of an estate, the distribution by the fiduciary of the estate's entire interest in the limited liability company.

29 Limited Liability Companies; Interim Distributions. Amend RSA 304-C:40 to read as follows:

304-C:40 Interim Distributions. Except as provided in this subdivision, to the extent and at the times or upon the occurrence of the events specified in the limited liability company agreement, a member is entitled to receive from a limited liability company distributions before ~~[the member's dissociation from the limited liability company]~~ *cessation of the member's membership* pursuant to RSA 304-C:27 and before the dissolution and winding up of the limited liability company.

30 Limited Liability Companies; Distribution Upon Cessation of Membership. Amend RSA 304-C:41 to read as follows:

304-C:41 Distribution Upon *Cessation of Membership* or Merger.

[E.] Except as provided in this subdivision, any member, upon ceasing to be a member pursuant to RSA 304-C:27, is entitled to receive any distribution to which the member is entitled under a limited liability company agreement ~~[and], but, [if not] unless~~ otherwise provided in a limited liability company agreement, the member is *not* entitled to receive~~[-, within a reasonable time after dissociation,]~~ *any payment for the [fair] value of the member's limited liability company interest as of the date of cessation of membership based upon the member's right to share in distributions from the limited liability company. If the member ceasing to be a member receives no payment for the value of the member's interest in the limited liability company, the member ceasing to be a member shall continue to have the rights of an assignee of a limited liability company interest under RSA 304-C:46, II, subject to the limited liability company's right of offset under RSA 304-C:27, III.*

[H.] ~~A member who files a written dissent to a merger of a limited liability company that is a party to a merger shall be entitled to withdraw from the limited liability company as of the effective date and time of the merger and receive, within a reasonable time after the merger becomes effective, the fair value of his limited liability company interest immediately before the merger becomes effective, excluding any appreciation or depreciation in anticipation of the merger, unless exclusion would be inequitable.~~

III. ~~If any amendment to the limited liability company agreement (a) altering or abolishing a right in respect of distribution, (b) altering or abolishing a right to voluntarily withdraw, or (c) altering or abolishing any right of a member to vote on any matter other than alteration by dilution through the admission of other members or acceptance of contributions is adopted over the written dissent of that member, and that member is not then permitted to withdraw by voluntary act without breach or penalty, then such member shall be entitled to withdraw from the limited liability company as of the effective date and time of the amendment and receive, within a reasonable time after the amendment becomes effective, the fair value of his limited liability company interest immediately before the amendment becomes effective, excluding any appreciation or depreciation in anticipation of the amendment, unless exclusion would be inequitable.~~

IV. ~~A member entitled to dissent and obtain payment for his interest under paragraph II or III shall not challenge the merger or amendment unless the merger or amendment is unlawful or fraudulent with respect to the member or the limited liability company.~~

V. ~~Withdrawal from a limited liability company in accordance with paragraph II or III shall not constitute a breach of the limited liability company agreement.]~~

31 Nature of Limited Liability Company Interest. Amend RSA 304-C:45 to read as follows:

304-C:45 Nature of Limited Liability Company Interest. A limited liability company interest is *intangible* personal property. A member has no interest in limited liability company property. *Rights and interests of members, other than their limited liability company interests, are personal and non-transferable except to the extent that a transferee may succeed to such rights and interests in conformity with RSA 304-C:46-49.*

32 Assignment of Limited Liability Company Interest. Amend the introductory paragraph of RSA 304-C:46, I to read as follows:

I. A limited liability company interest is assignable in whole or in part, except as provided in a limited liability company agreement. Except as otherwise provided in paragraphs I and II, *or as provided in RSA 304-C:48 and RSA 304-C:49*, the assignee of a member's limited liability company interest shall not be entitled to participate in the management and affairs of a limited liability company, or to exercise any rights or powers of a member. However, an assignee of a member's limited liability company interest may exercise the rights and powers of a member either:

33 New Paragraph; Definition; Assign. Amend RSA 304-C:46 by inserting after paragraph IV the following new paragraph:

V. "Assign" or "assignment" includes a transfer by gift, bequest, devise, or descents and distribution.

34 Limited Liability Companies; Right of Assignee to Become Member. Amend RSA 304-C:48, I to read as follows:

I. An assignee of a limited liability company interest ~~[may]~~ *shall* become a member ~~[either]:~~

(a) Upon the approval of all of the members of the limited liability company other than the member assigning the limited liability company interest;~~or]~~

(b) To the extent provided in the limited liability company agreement, and upon compliance with any procedure provided for in the limited liability company agreement~~[-]; or~~

*(c) In the case of a single-member limited liability company only, upon a person succeeding to such interest of the member.*

35 Powers of Estate of Deceased or Incompetent Member. Amend RSA 304-C:49 to read as follows:

304-C:49 Powers of Estate of Deceased or Incompetent Member. If a member who is an individual dies or a court of competent jurisdiction adjudges the member to be incompetent to manage such member's person or property, the member's executor, administrator, guardian, conservator or other legal representative may exercise all of the member's rights for the purpose of settling the member's estate or administering the member's property~~[-including].~~ *Such member's rights shall be exercised in accordance with the limited liability company agreement and shall include any power under [a] the limited liability company agreement, or this chapter,* of an assignee to become a member. If a member is a corporation, trust or other entity and is dissolved or terminated, the powers of that member may be exercised by its legal representative or successor *for the purposes of winding up its affairs, unless provided otherwise in the limited liability company agreement.*

36 Limited Liability Company; Dissolution. Amend RSA 304-C:50 to read as follows:

304-C:50 Dissolution. A limited liability company is dissolved and its affairs shall be wound up upon the first to occur of the following:

I. ~~[The time specified in a limited liability company agreement, or 30 years from the date of the formation of the limited liability company if no such time is set forth in the limited liability company agreement;~~

~~[H:] The occurrence of events specified in a limited liability company agreement;~~

~~[HH:] II. Unless otherwise provided in the limited liability company agreement, the vote or written consent of [aH] a majority of the members; or~~

~~[IV. An event of dissociation of a member, as provided in RSA 304-C:27, unless:~~

~~(a) The business of the limited liability company is continued by the consent of all the remaining members on or before the ninetieth day following the occurrence of any such event; or~~

~~(b) Otherwise provided in the limited liability company agreement;~~

~~V. At any time there are fewer than 2 members; or~~

~~VI. The entry of a decree of judicial dissolution under RSA 304-C:51.]~~

*III. The issuance of a notice of administrative dissolution under RSA 304-C:53, I or entry of a decree of judicial dissolution under RSA 304-C:51.*

37 Limited Liability Company; Name. Amend RSA 304-C:66, I(b) to read as follows:

(b) That the name under which a foreign limited liability company is registering must include the words "limited liability company" or the abbreviation "L.L.C." *or similar abbreviation;*

38 Limited Liability Companies; Certificate of Conversion; Fee. Amend RSA 304-C:81, I(c) to read as follows:

(c) Upon the receipt for filing of a certificate of formation under RSA 304-C:12, a certificate of amendment under RSA 304-C:13, a certificate of merger under RSA 304-C:21, *a certificate of conversion under RSA 304-C:17-a,* or a restated certificate of formation under RSA 304-C:17, a fee in the amount of \$35, and upon the receipt for filing of a certificate of cancellation of a domestic limited liability company under RSA 304-C:59, a fee in the amount of \$35.

39 Professional Limited Liability Company; Disqualified Person. Amend RSA 304-D:7, IV to read as follows:

IV. A member of a professional limited liability company becoming a disqualified person, unless such disqualification is for less than 5 months from the date of disqualification, shall ~~[con-~~stitute an event of dissociation] *cause cessation of membership* for the purposes of RSA 304-C:27.

40 Securities Registration. Amend RSA 421-B:11, II to read as follows:

II.(a) Before the secretary of state may accept articles of incorporation for a new corporation under RSA 293-A, an application for a certificate of authority under RSA 293-A, a certificate of limited partnership for a new limited partnership under RSA 304-B, a certificate of formation for a new limited liability company or an application for ~~registration~~ *registration* as a foreign limited liability company under RSA 304-C, registration of a registered limited liability partnership or a notice of registration of a foreign registered limited liability partnership under RSA 304-A, or an application for registration of a foreign partnership under RSA 305-A, the following requirements shall be met:

~~[(a)]~~ (1) Along with a \$50 filing fee, a statement shall be filed with the secretary of state that the capital stock of the corporation or the interests of the limited partnership, registered limited liability partnership, foreign registered limited liability partnership, or limited liability company have been registered, or when offered will be registered, under this chapter or are exempted, or when offered will be exempted, under this chapter, or are or will be offered in a transaction exempted from registration under this chapter, or are not securities under this chapter; and, in the case of a New Hampshire corporation, limited partnership, registered limited liability partnership, or limited liability company, that the articles of incorporation or certificate of limited partnership state whether the capital stock or interests in the limited partnership, registered limited liability partnership or limited liability company will be sold or offered for sale within the meaning of this chapter.

~~[(b)]~~ (2) The statement shall be signed by the incorporators of a corporation to be formed, by an executive officer of an existing corporation, by the general partners or intended general partners if a limited partnership, by one or more members or managers authorized to do so if a limited liability company, or one or more partners authorized to do so if a registered limited liability partnership or foreign registered limited liability partnership.

*(b) Notwithstanding any provision of law to the contrary, the statement filed pursuant to this paragraph shall not by itself constitute a registration, or a notice of exemption from registration, of securities within the meaning of sections 448 and 461(i)(3) of the United States Internal Revenue Code and the regulations promulgated thereunder.*

41 Applicability. The amendment in section 30 of this act affecting RSA 304-C:41, I, shall not apply to New Hampshire limited liability companies formed prior to the effective date of section 30 until December 1, 1997; however, the amendments affecting RSA 304-C:41, II-V shall take effect as provided in section 43, paragraph I of this act.

42 Repeal. RSA 304-C:18, III, relative to the definition of "business entity," is repealed.

43 Effective Date.

I. Sections 15-22 and 24-41 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect on the later of:

(a) 60 days after its passage; or

(b) The date the proposed amendments of regulations (PS-43-95), published in the Federal Register on May 10, 1996, relating to the classification of certain business organizations with an elective regime, are effective.

Adopted.

Report adopted and ordered to third reading.

**HB 721**, prohibiting certain tobacco or alcohol advertising within drug-free school zones. RE-REFER TO COMMITTEE

Rep. Gregory G. Carson for Commerce: This bill is one of several pieces of tobacco related legislation before the Commerce Committee this session. As stated previously, the committee unanimously supports all the efforts to restricting youth access to tobacco products. The committee is greatly concerned as to the effect this bill would have on property owner rights, zoning laws and first amendment rights if passed into law. Vote 15-1.

Adopted.

**HB 799**, regulating the sale of insurance by financial institutions. OUGHT TO PASS WITH AMENDMENT

Rep. Gregory C. Carson for Commerce: Currently, federal law now allows federally chartered banks to sell insurance. This bill changes state law to allow state chartered banks to also sell insurance. More importantly, HB 799 creates important, substantial consumer protection regulations which

apply equally to federal and state chartered banks selling insurance in New Hampshire. The committee worked hard to create an environment which will protect consumers and keep parity between the banks. This bill, as amended, is a compromise. Neither the bankers or insurance agents receive everything they originally wanted. Vote 12-3.

### Amendment (0736h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Service Corporations. Amend RSA 384:16-b by inserting after paragraph II the following paragraph:

III. Provided further that any contrary provision of law notwithstanding, the provisions of paragraph II apply only to a subsidiary of a bank or banking association and do not apply to an affiliate thereof, and the provisions of this section shall not be construed to prevent a financial institution as defined in RSA 406-C:2, IV from conducting insurance activities pursuant to RSA 406-C and rules adopted under RSA 406-C, and as permitted in RSA 394-A:9, if such financial institution or its affiliate or subsidiary is located in a place of 5,000. A place of 5,000 means a town or city in this state with a population not exceeding 5,000 as determined by the last federal decennial census. An affiliate or subsidiary of any bank or banking association shall be bound by the provisions of RSA 406-C, with respect to sales of insurance in this state which are recommended or sponsored by a financial institution or sold on the premises of a financial institution.

2 Insurance; State-Chartered Financial Institutions. RSA 394-A:9 is repealed and reenacted to read as follows:

394-A:9 Insurance. A state-chartered financial institution may engage in the business of insurance to the same extent that a national bank or its affiliate or subsidiary is permitted to engage in such business under Section 92 of the National Bank Act, subject to the following conditions:

I. The insurance activity may be conducted only by the financial institution, an affiliate or subsidiary of the financial institution that is located in a place of 5,000. A place of 5,000 shall mean a town or city in this state with a population not exceeding 5,000 as determined by the last federal decennial census.

II. The conduct of the insurance activity shall comply with the provisions of RSA 406-C and any rules adopted thereunder, any applicable state insurance licensing laws and rules, and all applicable federal and state consumer protection laws, including the federal anti-tying provisions of 12 USC section 1972.

III. The provisions of paragraphs I and II shall not be construed to limit the authority of any credit union to engage in the business of insurance pursuant to the provisions of RSA 394-B:52-a.

3 New Chapter; Sales of Insurance by Financial Institutions. Amend RSA by inserting after chapter 406-B the following new chapter:

## CHAPTER 406-C

### SALES OF INSURANCE BY FINANCIAL INSTITUTIONS

406-C:1 Purpose. The purpose of this chapter is to regulate the solicitation for purchase and the sale in this state of insurance by financial institutions in places with a population of 5,000 or fewer people and to direct and authorize the insurance commissioner to adopt such rules as may be necessary to protect the interests of insurance policyholders in this state and to maintain parity with respect to the insurance powers of state and federally chartered financial institutions.

406-C:2 Definitions. In this chapter:

I. "Commissioner" means the insurance commissioner.

II. "Customer" means a person with an investment, security, deposit, trust, or credit relationship with a financial institution.

III. "Insurance" means all products defined or regulated as insurance by the state of New Hampshire, except:

(a) Credit life, credit accident and health, credit personal property insurance, and credit involuntary unemployment insurance;

(b) Insurance purchased by a financial institution in connection with collateral pledged as security for a loan when the debtor breaches the contractual obligation to provide that insurance;

(c) Private mortgage insurance

(d) Mortgage life and mortgage disability insurance

IV. "Financial institution" means a bank holding company, as defined in the Bank Holding Company Act of 1956, as amended, 12 U.S.C. section 1841, a savings and loan holding company as defined in the Home Owners' Loan Act, 12 U.S.C. 1467a, as amended; a bank, savings bank, savings and loan association, trust company, or any depository institution as defined by the Federal Deposit Insurance Act, as amended, 12 U.S.C. section 1813(c)(1); any subsidiary of any of the above described depository institutions, and any other individual, corporation, partnership, or association authorized to take deposits and make loans in the state. For the purposes of this chapter, "financial institution" shall include only those institutions that are located in a place of 5,000. The term financial institution does not include an insurance company subject to regulation under Title XXXVII.

V. "Nonpublic customer information" means information regarding a person that has been derived from a record of a financial institution concerning insurance premiums, the terms and conditions of insurance coverage, insurance expirations, insurance claims, and insurance history of an individual, and such other information as established by rules adopted by the commissioner. "Nonpublic customer information" does not include customer names, addresses, and telephone numbers.

VI. "Place of 5,000" means a town or city in this state with a population of 5,000 or fewer people according to the latest federal decennial census.

406-C:3 License for Insurance Sales. A financial institution and the employees of a financial institution conducting insurance sales shall be required to obtain an agent's or broker's license authorizing the sale of insurance by complying with the licensing requirements of RSA 402:16.

406-C:4 Prohibition on Underwriting. Neither this chapter, nor RSA 384:16-b, III shall be construed to authorize any financial institution to engage in the underwriting of any insurance product or in any insurance underwriting activity requiring licensure under RSA 402 or RSA 405.

406-C:5 Licensure Requirement. Solicitation for the purchase or sale of any insurance product by the financial institution shall be conducted only by persons who are licensed and have complied with all applicable state insurance licensing laws and rules, and are officers, directors, or employees of the financial institution.

406-C:6 Authorized Carriers. A financial institution shall offer only insurance products of approved surplus lines carriers or approved products of insurance companies authorized to do insurance business in New Hampshire.

406-C:7 Separation of Activities.

I. Solicitation for the purchase or sale of insurance by the financial institution shall, to avoid customer confusion, to the extent practicable be conducted in a physical location distinct from the area where retail deposits or credit transactions are routinely conducted in accordance with rules adopted by the commissioner.

II. Solicitation for the purchase or sale of insurance by a licensed employee who exercises authority over credit transactions shall be conducted in a manner which addresses the potential for customer confusion and coercion consistent with rules adopted by the commissioner.

III. Signage, informational materials, and sales literature concerning the availability of insurance products through the financial institution shall be utilized and displayed in accordance with rules adopted by the commissioner.

IV. The financial institution, or any third party agent, marketer, or issuer of any insurance product shall not utilize an insurance product name identical to or misleadingly similar to the name of the financial institution so as to cause confusion on the part of insurance purchasers as to the uninsured nature of the product.

406-C:8 Disclosures.

I. To avoid customer confusion and in addition to any other requisite disclosures, all advertising, promotional material and solicitation, including telemarketing contacts, shall, as required under rules, bulletins, or interpretive rulings adopted or promulgated by the commissioner, include a prominent disclosure that substantively states that a purchase of insurance:

(a) Is not a deposit;

(b) Is not insured by the Federal Deposit Insurance Corporation or any other agency or instrumentality of the federal government;

(c) Is not guaranteed by the seller or an affiliated insured, unless the insurance is guaranteed by the financial institution in which case the nature of the guarantee and identity of the guarantor shall be disclosed; and

(d) Where appropriate, involves investment risk, including potential loss of principal.

II. At the time of sale, the financial institution shall also provide written disclosure of how to complain to the insurance department about problems in the sale or solicitation of an insurance product. Other than disclosing how to complain to the insurance department, a financial institution that does not accept insured deposits is not required to disclose items I(a) through (c) of this section.

**406-C:9 Confidential Customer Information.**

I. The financial institution shall not use any nonpublic customer information, other than information pertaining solely to insurance transactions between a customer and a financial institution or its affiliate or subsidiary, for the purpose of selling or soliciting the purchase of insurance or provide the nonpublic customer information to a third party for the purpose of another's sale or solicitation of the purchase of insurance, unless it is clearly and conspicuously disclosed that the information may be so used and the customer has provided prior written consent to the use for this purpose.

II. Written consent for use of any nonpublic customer information shall not be required as a condition for performance by the financial institution of banking services for the customer.

**406-C:10 Prohibition on Tying of Banking and Insurance Products.**

I. The financial institution shall not require or imply that the purchase of an insurance product by a customer or prospective customer is required as a condition of, or is in any way related to, the lending of money or extension of credit or the provision of services related to any such activities. A written disclosure to this effect, or such other disclosure as the department may authorize through rulemaking, shall be expressly acknowledged by the customer and shall include notice that the customer is free to select another insurance provider and that the customer's choice of another insurance provider will not affect the financial institution's credit decisions or credit terms in any way. The written disclosure shall be acknowledged at the time that the customer is first informed that insurance is available through the financial institution.

II. The completion of a loan transaction or other transactions involving the extension of credit shall not be delayed or impeded by an officer or employee of a financial institution for the purpose of influencing a customer's selection or purchase of insurance.

**406-C:11 Prohibition on Discrimination Against Non-Affiliated Agents.**

I. The financial institution shall not condition the provision of any product or service to any customer upon the purchase of a policy or contract of insurance through a particular insurer, agent, or broker or reject any insurance policy required in connection with a loan or extension of credit solely because such policy has been issued or underwritten by any person who is not associated with such institution.

II. The financial institution shall not impose any discriminatory requirement on any insurance agent or broker who is not associated with the financial institution that is not imposed on any insurance agent who is associated with such institution.

III. Unless otherwise authorized by any applicable federal or state law, no financial institution shall require any debtor, insurer, broker, or agent to pay a separate charge in connection with the handling of insurance that is required under a contract.

**406-C:12 Prohibited Practices.**

I. An employee of a financial institution who is not licensed as an agent or broker may receive, directly or indirectly, nominal compensation or consideration, not to exceed \$20 per referral or appointment, from an agent, broker, insurance agency, insurer, or the financial institution, based upon referral of potential purchasers to or making appointments with a licensed agent or broker, provided that the compensation or consideration is not conditioned on the actual sale of insurance. The commissioner may adopt rules to effectuate the purposes of this paragraph.

II. The financial institution shall not offer, recommend, sponsor, or sell an insurance product which has not been properly approved for sale to New Hampshire residents.

III. An insurance product shall not be offered in a package with non-insurance products in violation of rules adopted by the commissioner to prohibit unlawful tying activities, rebating, and unfair competition with respect to insurance sales.

IV. The payment for rental or lease of space by an unlicensed financial institution to an insurance agent or broker shall not be based directly or indirectly on the volume of premium written or insurance sold by the agent or broker.

**406-C:13 Application of State and Federal Consumer Protection Provisions.** Any financial institution which solicits or sells insurance products pursuant to RSA 384:16-b, III and this chapter shall be subject to all applicable federal and state consumer protection laws, including the federal anti-tying provisions of 12 USC section 1972.

406-C:14 Examination Authority. The insurance activities of financial institutions pursuant to RSA 384:16-b, III and this chapter shall be subject to examination by the commissioner and the commissioner is authorized to impose reasonable assessments on the financial institution for such examination.

**406-C:15 Rulemaking Authority for Implementing Regulations.**

I. The commissioner may adopt rules to effectuate the purposes of this chapter, which are to protect the insurance buying public from potential coercion by financial institutions, to minimize the possibilities of unfair competitive practices by financial institutions that harm the public, and to maintain parity with respect to the insurance powers of state and federally chartered financial institutions.

II. The commissioner may also adopt rules which would vary the provisions of this chapter, if essential, and for the sole purpose of maintaining parity and eliminating competitive advantages enjoyed by federally chartered financial institutions, upon a determination by the commissioner that a specific federal law, regulation or ruling creates a substantial disparity in the insurance agency powers of state and federal financial institutions in this state. Any rule adopted pursuant to this paragraph shall not diminish any consumer protection afforded under this chapter. The commissioner shall seek appropriate legislation amending any affected provisions of this chapter at the earliest legislative opportunity.

III. Rules adopted by the commissioner under this chapter shall be adopted pursuant to RSA 541-A. Notwithstanding RSA 541-A:17, I, or any other law to the contrary, any rule adopted under this chapter shall continue in force and effect until amended or repealed.

406-C:16 Enforcement. Any person violating the provisions of this chapter shall be subject to any and all enforcement procedures within the authority of the insurance department including, but not limited to, the issuance of a cease and desist order requiring such person to cease all insurance sales and solicitation activities.

406-C:17 Penalties. Any financial institution violating any of the provisions of this chapter or any rule adopted under this chapter may be subject to an administrative fine not to exceed \$2,500 per violation. The commissioner may also suspend or revoke the license of any financial institution or other person or organization for any violation of this chapter or rule or for failure to comply with an order, including a cease and desist order, of the commissioner issued under this chapter.

406-C:18 Provisions Severable. If any provision of this chapter or the application thereof to any person or circumstance is held to be invalid for any reason, such invalidity shall not affect any other provisions or applications of this chapter which can be given effect without the invalid provisions of applications, and to this end the provisions of this chapter are severable.

4 Effective Date. This act shall take effect 60 days after passage.

### AMENDED ANALYSIS

This bill allows the insurance commissioner to regulate the sale of insurance by financial institutions. Only financial institutions located in a place which has a population of less than 5,000 may sell insurance in this state. The insurance commissioner is granted rulemaking authority to implement the provisions of this bill.

Adopted.

Report adopted and ordered to third reading.

### **HB 455-FN-L, relative to a preliminary breath test for alcohol concentration. OUGHT TO PASS WITH AMENDMENT**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill provides clarification of the laws regarding the use of preliminary breath tests for alcohol concentration by allowing the results of the preliminary breath test to be admissible as evidence by the prosecution to establish probable cause for a subsequent arrest. It also provides for suspending the license or nonresident driving privilege of any person refusing the test for six months. Additionally, this bill will be consistent with motor vehicle, boating and OHRV offenses. Vote 14-1.

### **Amendment (0661h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that preliminary breath tests for alcohol concentration are valuable tools for the enforcement of prohibitions against operating motor vehicles,

boats, and off highway recreational vehicles (OHRVs) while intoxicated. The general court intends to facilitate the enforcement of these provisions by allowing the results of the preliminary breath test to be admissible as evidence of probable cause to arrest the operator, and by suspending the license or nonresident driving privilege of any person refusing the test for 6 months. The general court's intent shall be accomplished relative to motor vehicles by amending RSA 265:92-a, I; relative to boats by amending RSA 270:57, I; and relative to OHRVs by the amendment to RSA 265:92-a, I, which is applicable to OHRVs through RSA 215-A:11-i.

2 Preliminary Breath Test for Alcohol Concentration. Amend RSA 265:92-a, I to read as follows:

I. Any police officer, who has been certified by the police standards and training council according to standards for such certification contained in rules adopted by ~~[said]~~ *the* council pursuant to RSA 541-A, having reasonable grounds to believe that a person has been driving ~~[or operating]~~ a vehicle on a way while under the influence of intoxicating liquor or controlled drug or while the person's alcohol concentration was 0.08 or more *or in the case of a person under the age of 21, 0.02 or more* may, without making an arrest, request that such person submit to a preliminary breath test for alcohol concentration to be administered by the officer. *Any person who drives a vehicle upon the ways of this state and has been requested to submit to a preliminary breath test by an officer having reasonable grounds as set forth above shall be deemed to have given consent for the purpose of determining the presence of alcohol in the person.* The results of this test ~~[shall not be admissible in evidence by the prosecution, and failure to submit to the test shall not constitute a violation of this chapter]~~ *may be admissible in evidence by the prosecution to establish probable cause for a subsequent arrest. If a person refuses upon the request of a law enforcement officer to submit to a preliminary breath test, the director shall suspend the person's license to drive or nonresident driving privilege for a period of 6 months. The 6-month suspension period imposed pursuant to this section shall not run concurrently with any other suspension imposed under the provisions of this title. Any such suspension or denial of a license or privilege to drive shall be imposed in addition to any other suspension provided by law. A refusal of consent for any post-arrest physical testing and testing of blood, urine, or breath following any one arrest shall be deemed one refusal for the purposes of this section.* Nothing contained in this section shall be construed to prevent or require a subsequent test pursuant to RSA 265:84. ~~[The police officer requesting the test shall advise orally and in writing the person to be tested that his failure to take the test or his taking of the test shall not be construed to prevent or require a subsequent test pursuant to RSA 265:84.]~~ *Before any preliminary breath test is given, the law enforcement officer shall inform the person that a refusal to submit to the test will result in the suspension or denial of a license or privilege to drive.* The results of the test shall be furnished immediately in writing to the person tested by the police officer administering the test.

3 Preliminary Breath Test for Alcohol Concentration. Amend RSA 270:57, I to read as follows:

I. Any authorized agent or any peace officer who has been trained and certified according to standards for such training and certification set by the police standards and training council and contained in rules adopted by the ~~[said]~~ *the* council pursuant to RSA 541-A, having reasonable grounds to believe that a person has been operating or was in control of a boat upon the public waters of the state while under the influence of intoxicating liquor or controlled drugs or any combination of intoxicating liquor or controlled drugs may, without making an arrest, request that such person submit to a preliminary breath test to be administered by the officer. *Any person operating or in control of a boat upon the waters of this state and who has been requested to submit to a preliminary breath test by an officer having reasonable grounds as set forth above shall be deemed to have given consent for the purpose of determining the presence of alcohol in the person.* The results of this test ~~[shall not be admissible in evidence by the prosecution, and failure to submit to the test shall not constitute a violation of this chapter]~~ *may be admissible in evidence by the prosecution to establish probable cause for a subsequent arrest. If a person refuses upon the request of a law enforcement officer to submit to a preliminary breath test, the director shall suspend the person's license to drive or nonresident driving privilege for a period of 6 months. The 6-month suspension period imposed pursuant to this section shall not run concurrently with any other suspension imposed under the provisions of this title. Any such suspension or denial of a license or privilege to drive shall be imposed in addition to any other suspension provided by law. A refusal of consent for any post-arrest physical testing and testing*

*of blood, urine, or breath following any one arrest shall be deemed one refusal for the purposes of this section.* Nothing contained in this section shall be construed to prevent or require a subsequent test pursuant to RSA 270:49. ~~[The officer requesting the test shall advise the person to be tested that his failure to take the test or his taking of the test shall not be construed to prevent or require a subsequent test pursuant to RSA 270:49.]~~ *Before any preliminary breath test is given, the officer shall inform the person that a refusal to submit to the test will result in the suspension or denial of a license or privilege to drive and operate a boat.* The results of the test shall be furnished forthwith to the person tested by the officer administering the test.

4 Effective Date. This act shall take effect January 1, 1998.

Adopted.

Report adopted and ordered to third reading.

**HB 517-FN**, relative to aggravated felonious sexual assault. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for the Majority of Criminal Justice and Public Safety: The bill allows the court to impose a life sentence on a person convicted of aggravated felonious sexual assault when the victim is less than 13 years of age. The imposition of a life sentence would allow those offenders who prey on children and who are often repeat offenders to be under lifetime parole when they are released from prison thereby assuring lifetime supervision. Vote 10-8.

Rep. Walter J. Mikowski for the Minority of Criminal Justice and Public Safety: We feel that on a first offense, we are empowering the judicial system, which can impose a life sentence, on emotion alone. A person can be convicted on the word of a coached child and be completely innocent yet be sentenced to a life term in prison, unless he pleads guilty. This would also have a financial impact on the budget of the probation department budget which would have to monitor this person, if released for the rest of the person's natural life.

Rep. Knowles spoke against.

The majority report failed.

Rep. Knowles moved Ought to Pass with Amendment.

Rep. Mikowski offered a floor amendment.

#### Floor Amendment (0759h)

Amend RSA 632-A:10-a, I(a) as inserted by section 1 of the bill by replacing it with the following:

*(a) RSA 632-A:2, I(1) shall be sentenced to life imprisonment or for such term as the court may order.*

#### AMENDED ANALYSIS

This bill requires courts to impose a life sentence or other term of imprisonment upon persons convicted of aggravated felonious sexual assault when the victim is less than 13 years of age, and excepts such persons from eligibility for early discharge for good conduct.

Rep. Mikowski spoke in favor.

Rep. Knowles spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

**HB 527**, classifying smoke bombs as permissible fireworks OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The committee discussed this issue at length and found there was a need to add smoke bombs to the list of fireworks to go before the Permissible Fireworks Committee. This will allow a review of the chemical contents of the smoke bomb and the size of its cloud. Then the determination of whether or not to allow the sale of smoke bombs will be made by the permissible Fireworks Committee. Vote 18-1.

Adopted and ordered to third reading.

**HB 558-FN**, relative to life imprisonment for persons who have committed 3 or more serious violent felonies. INEXPEDIENT TO LEGISLATE

Rep. Richard F. Doucette for Criminal Justice and Public Safety: The committee killed a less restrictive bill than this last year and felt that even though the offenses in this bill were more narrowly defined than before, there were too many questions left undecided. For instance, should arson of a historical structure count towards three violent felonies? Also, we felt that cost to the indigent defense fund

would escalate out of control as there would be a large increase in trials of defendants who are already two time losers. There would also be an increase in the cost to run the public defender program because they defend many of these cases. And finally, states that have similar laws like California are considering changes to them as the related costs are out of control. Vote 13-4.

Adopted.

**HB 680-FN**, relative to criminal liability for harm caused by dangerous domestic animals or captive wildlife. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: Domestic animals and dogs are already covered in RSA 466 and 467. Captive wild animals used to be covered in RSA 469 which was repealed in 1992. Keeping this in mind, there was no testimony at the public hearing to support this bill. The sponsor was not able to attend due to illness. Vote 15-2.

Adopted.

**HB 696-FN-L**, authorizing the court to suspend the motor vehicle driver's license of a person convicted of criminal mischief when such conviction was the result of an act facilitated by the use of an automobile. **OUGHT TO PASS WITH AMENDMENT**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill allows the court to suspend, for a period not to exceed 90 days, the driver's license of a person who is convicted of criminal mischief or the driver's licenses of persons who are convicted of criminal mischief if the court determines that a motor vehicle was used to abet the commission of criminal mischief. Vote 16-2.

#### **Amendment (0652h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** authorizing the court to suspend the motor vehicle driver's license of a person convicted of criminal mischief when the court determines that a motor vehicle was used to abet the commission of criminal mischief.

Amend RSA 634:2, VII as inserted by section 2 of the bill by replacing it with the following:

VII. If the court determines that a motor vehicle was used to abet the commission of the act constituting criminal mischief, the court may suspend, for a period not to exceed 90 days, the driver's license of a person who is convicted of criminal mischief, or the driver's licenses of persons who are convicted of criminal mischief.

#### **AMENDED ANALYSIS**

This bill allows the court to suspend, for a period not to exceed 90 days, the driver's license of a person who is convicted of criminal mischief or the driver's licenses of persons who are convicted of criminal mischief, if the court determines that a motor vehicle was used to abet the commission of criminal mischief.

Adopted.

Report adopted and ordered to third reading.

**HB 156**, eliminating straight ticket voting. **WITHOUT RECOMMENDATION**

Rep. Janet S. Arndt for Election Law: Many good ideas were presented on both sides of the issue. The committee felt that since the positions reflected several different thought processes that it was better to let each House member decide for himself or herself. Vote 9-9.

Rep. Kaen moved Ought to Pass.

Rep. Langley spoke in favor.

Reps. MacGillivray and Holden spoke against.

Rep. Kaen spoke in favor and yielded to questions.

Rep. Cobbin spoke against and yielded to questions.

Rep. Robert Johnson requested a roll call; sufficiently seconded.

The question being the adoption of Ought to Pass.

**YEAS 149 NAYS 206**

**YEAS 149**

**BELKNAP**

**CARROLL**

None

**CHESHIRE**

|                    |                 |                     |                   |
|--------------------|-----------------|---------------------|-------------------|
| Bonneau, Sarah     | Burnham, Daniel | Champagne, Richard  | DePecol, Benjamin |
| Doucette, Richard  | Hunt, John      | Lynch, Margaret     | McGuirk, Paul     |
| Meador, David      | Pratt, John     | Richardson, Barbara | Riley, William    |
| Robertson, Timothy | Russell, Ronald | Vogl, John          |                   |

**COOS**

|                  |                 |                  |               |
|------------------|-----------------|------------------|---------------|
| Bradley, Paula   | Coulombe, Henry | Coulombe, Yvonne | Davis, Perley |
| Hawkinson, Marie | Mears, Edgar    | Moynihan, Wayne  |               |

**GRAFTON**

|               |             |                |                    |
|---------------|-------------|----------------|--------------------|
| Akins, Ralph  | Almy, Susan | Below, Clifton | Copenhaver, Marion |
| Guest, Robert | Ham, Bonnie | Lovett, Sidney | Nordgren, Sharon   |

**HILLSBOROUGH**

|                         |                     |                     |                            |
|-------------------------|---------------------|---------------------|----------------------------|
| Ackerman, Philip        | Allen, W. Gordon    | Asselin, Robert     | Barry, William, III        |
| Bernier, Shannon        | Buckley, Raymond    | Cardin, Lori        | Chabot, Robert             |
| Clay, Susan             | Clemons, Jane       | Clemons, Kevin, Sr. | Cote, David                |
| Cote, Peter             | D'Allesandro, Lou   | Daigle, Robert      | Desrosiers, William        |
| Drabinowicz, A. Theresa | Dwyer, Paul, Sr.    | Foster, Joseph      | Foster, Linda              |
| Gage, Ruth              | Ginsburg, Ruth      | Gosselin, Gerald    | Haettenschwiller, Alphonse |
| Hall, Betty             | Hart, Nick          | Jean, Claudette     | Lefebvre, Roland           |
| Leonard, Peter          | MacAuslan, Rita     | Martin, Mary        | McCarthy, William          |
| McDonald, James, Sr.    | Melcher, Harold     | Messier, Irene      | Murphy, Robert             |
| Perkins, Paul           | Vaillancourt, Steve | Welch, Donald       | White, Jay                 |
| Williams, Carol         |                     |                     |                            |

**MERRIMACK**

|               |                    |                   |                    |
|---------------|--------------------|-------------------|--------------------|
| Burney, Carol | Crosby, Toni       | Daneault, Gabriel | DeStefano, Stephen |
| Dunn, Miriam  | Feuerstein, Martin | Fraser, Marilyn   | French, Barbara    |
| Gile, Mary    | Jacobson, Alf      | Lamach, Bernard   | Moore, Carol       |
| Nichols, Avis | Owen, Derek        | Rogers, Katherine | Seldin, Gloria     |
| Wallin, Jean  | Wallner, Mary Jane | Yeaton, Charles   |                    |

**ROCKINGHAM**

|                    |                     |                   |                      |
|--------------------|---------------------|-------------------|----------------------|
| Blanchard, MaryAnn | Case, Margaret      | Clark, Martha     | Coes, Betsy          |
| Cushing, Robert    | Downing, Michael    | Flanagan, Natalie | Gibbons, Paul        |
| Heath, John        | Hutchinson, Rebecca | Kane, Cecelia     | Kelley, Jane         |
| Langley, Jane      | Langone, John       | Lovejoy, Marian   | McGovern, Cynthia    |
| Mickion, Stephanie | Norelli, Terie      | O'Keefe, Patricia | Pantelakos, Laura    |
| Sabella, Norma     | Syracusa, Anthony   | Vaughn, Charles   | Weatherspoon, Jackie |

**STRAFFORD**

|                  |                   |                      |                 |
|------------------|-------------------|----------------------|-----------------|
| Berube, Roger    | Bickford, David   | Brennan, William     | Brown, Julie    |
| Callaghan, Frank | DeChane, Marlene  | Dunlap, Patricia     | Estabrook, Iris |
| Grassie, Anne    | Hilliard, Dana    | Kaen, Naida          | Keans, Sandra   |
| Knowles, William | Lundborn, Raymond | McCann, William, Jr. | Merrill, Amanda |
| Merritt, Deborah | Pelletier, Arthur | Rogers, Rose Marie   | Smith, Marjorie |
| Snyder, Clair    | Spear, Barbara    | Sullivan, Henry      | Twardus, Joseph |
| Wall, Janet      |                   |                      |                 |

**SULLIVAN**

|                    |                 |                  |                  |
|--------------------|-----------------|------------------|------------------|
| Allison, David     | Burling, Peter  | Cloutier, John   | Donovan, Thomas  |
| Ferland, Brenda    | Lindblade, Eric | Palmer, Lorraine | Schotanus, Merle |
| Wiggins, Celestine |                 |                  |                  |

**NAYS 206****BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Lawton, David  
Thomas, John

Boriso, Thomas  
Holbrook, Robert  
Lawton, Robert  
Turner, Robert

Boyce, Robert  
Hurt, George  
Rice, Thomas, Jr.  
Ziegler, Alice

Clark, Charles  
Lafam, Robert  
Rosen, Ralph

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Smith, Edwin

McNamara, Wanda  
Steere, Myron, III

Metzger, Katherine

Royce, H. Charles

**COOS**

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn  
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Alger, John  
Hill, Richard  
Mirski, Paul  
Trelfa, Richard

Cobbin, Philip  
Hinman, Harry  
Phinney, William  
Weber, Phil

Eaton, Stephanie  
LaMott, Paul  
Root, John  
Williams, William, Jr.

Guaraldi, Lawrence  
MacNeil, Allen  
Teschner, Douglass

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Burke, M. Virginia  
Christiansen, Lars  
Dokmo, Cynthia  
Fenton, James  
Gagnon, Eugene  
Herman, Keith  
Hunter, Bruce  
Kurk, Neal  
Lessard, Rudy  
MacGillivray, Jeffrey  
McGough, Tim  
Murch, George  
Piteri, Dawn  
Searles, Stanley, Sr.  
White, Donald

Amidon, Eleanor  
Bergin, Peter  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Durham, Susan  
Ferguson, Charles  
Golding, William  
Holden, Carol  
Jean, Loren  
L'Heureux, Robert  
Letendre, Evelyn  
MacIntyre, Doris  
Mercer, Robert  
O'Hearn, Jane  
Reidy, Frank  
Thulander, O. Alan  
Wright, George

Arnold, Thomas, Jr.  
Boutin, David  
Carlson, Donald  
Daniels, Gary  
Dyer, Merton  
Fields, Dennis  
Goulet, Maurice  
Holley, Sylvia  
Johnson, Lionel  
LaRose, Richard  
Lozeau, Donnalee  
Marcinkowski, Michael  
Milligan, Robert  
Pepino, Leo  
Riley, Frances  
Turgeon, Roland

Batula, Peter  
Brundige, Robert  
Carney, Lauren  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Flora, Kathleen  
Hansen, Herbert  
Holt, David  
Kelley, Robert  
Leishman, Peter  
Luebker, Bernard  
McCarty, Winston  
Mittelman, David  
Peterson, Andrew  
Sargent, Maxwell  
Wheeler, Robert

**MERRIMACK**

Adams, Stephen  
Colburn, Kathleen  
Hoadley, Elizabeth  
Lavioie, Gerard  
Maxfield, Roy  
Whalley, Michael

Anderson, Eric  
Colburn, Thomas  
Krueger, Patricia  
Leber, William  
Morrill, Olive  
Whittemore, James

Brown, Mary  
Hager, Elizabeth  
Langer, Ray  
Lockwood, Robert  
Pfaff, Terence

Chandler, Earle  
Hess, David  
Larrabee, David  
Marshall, Kenneth  
St. Cyr, Gerard

**ROCKINGHAM**

Arndt, Janet  
Bishop, Franklin

Battles-Peirce, Marjorie  
Camm, Kevin

Beaulieu, Jon  
Carson, Gregory

Belanger, Ronald  
Cegelis, Mark

|                       |                    |                     |                     |
|-----------------------|--------------------|---------------------|---------------------|
| Christie, Andrew, Jr. | Cooney, Richard    | Dearborn, Bruce     | Dodge, Robert       |
| Dolan, Richard        | Dowd, Sandra       | Dowling, Patricia   | Dube, LeRoy         |
| Dunham, Vivian        | Fesh, Robert       | Flanders, David     | Flanders, John, Sr. |
| Francoeur, Sheila     | Frechette, Joseph  | Gleason, John       | Griffin, Mary       |
| Guthrie, Joseph       | Henderson, Warren  | Johnson, Robert     | Katsakiores, George |
| Katsakiores, Phyllis  | Klemm, Arthur, Jr. | Kobel, Rudolph      | Letourneau, Robert  |
| Major, Norman         | Malcolm, Kenneth   | McCarthy, John, Jr. | McKinney, Betsy     |
| Mikowski, Walter      | Millard, Ralph     | Moore, Benjamin     | Morris, Debbie      |
| Nowe, Ronald          | Noyes, Richard     | Raynowska, Bernard  | Schanda, Frank      |
| Simmons, John Anthony | Smith, Kevin       | Stickney, Nancy     | Stone, Joseph       |
| Stritch, C. Donald    | Varrell, Thomas    | Welch, David        | Weyler, Kenneth     |
| Woods, Deborah        |                    |                     |                     |

### STRAFFORD

|                  |                 |                |           |
|------------------|-----------------|----------------|-----------|
| McKinley, Robert | Musler, George  | Rollo, Michael | Torr, Ann |
| Torr, Franklin   | Tsiros, William |                |           |

### SULLIVAN

|               |               |                  |                |
|---------------|---------------|------------------|----------------|
| Adler, Rudolf | Flint, Gordon | Krueger, Richard | Leone, Richard |
|---------------|---------------|------------------|----------------|

and the motion failed.

Rep. Arnold moved Inexpedient to Legislate.

Adopted.

**HB 276**, relative to petitions for filing for a primary election. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE

Reps. Joseph A. Foster and Thomas I. Arnold, Jr. for the Majority of Election Law: This bill, as amended, retains the voluntary spending cap but removes the requirement that candidates who wish to exceed the voluntary cap must, as a precondition, gather petitions to be placed on the ballot. If the bill is passed, candidates will still be required to declare whether they plan to exceed the cap and their opponents will be free to raise the decision to exceed the cap as an issue in the campaign. Under current law, a candidate for governor who wishes to retain his or her constitutional right to exceed the cap must gather 2,000 petitions while a candidate who voluntarily agrees not to exceed the cap has no such obligation. The spending cap law is currently being challenged in Federal District Court partially on the basis that the petition requirement places an undue burden on the candidate's constitutional right to free speech. A majority of the committee concluded that the goals and policies of the law would remain if the petition process were removed and the critical aspects of the law—the cap itself—would be much more likely to survive constitutional challenge. The committee will be reviewing the merits of the cap itself in the context of other bills which have been referred. By passing this bill, the Legislature, not the courts, will have the final say on the utility of the spending cap law. Vote 12-5.

Rep. C. Donald Stritch for the Minority of Election Law: This bill as amended would make negligible the requirements to voluntarily limit or not campaign expenditures by eliminating almost any need for petitions. Now we go back to the era of spend, spend and spend some more. A cap and petition requirement for over a dozen years are effectively scrapped and candidates have little need or incentive to limit. Comments regarding the constitutionality of a 12-year law are premature and presupposed. We should not eliminate a law with nothing in the loop to replace it.

### Amendment (0708h)

Amend the title of the bill by replacing it with the following:

**AN ACT** removing primary petition filing requirements for candidates who do not voluntarily accept campaign spending limitations.

Amend the bill by replacing all after the enacting clause with the following:

1 General Filing Provisions Modified. Amend RSA 655:14 to read as follows:

655:14 Filing; General Provisions. The name of any person shall not be printed upon the ballot of any party for a primary unless **[he] the person:**

1. Is a registered member of that party~~[-he shall have]~~.

*II. Has met the age and domicile qualifications for the office ~~[he seeks]~~ sought at the time of the general election~~[-he]~~.*

*III. Meets all the other qualifications at the time of filing~~[-and he shall file]~~.*

*IV. Files with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17~~[-and~~*

*~~[-]~~ (a) The appropriate filing fee as provided in RSA 655:19~~[-];~~ or*

*~~[H]~~ (b) The appropriate number of primary petitions ~~[as provided in]~~ under RSA 655:20, and ~~[655:22 and]~~ an assent to candidacy as provided in RSA 655:25.*

2 Filing Fees; References Removed. Amend the introductory paragraph of RSA 655:19, I to read as follows:

I. At the time of filing declarations of candidacy, each candidate for the following offices shall pay to the official with whom the declarations are filed the following filing fees~~[-and shall file with the appropriate official the requisite number of primary petitions as provided in RSA 655:20 and 655:22]~~, unless the candidate agrees to limit ~~[his]~~ expenditures in accordance with RSA 664:5-a. At the time of filing declarations of intent, each candidate for the following offices shall pay to the secretary of state the following filing fees, and the following filing fees shall be paid in addition to the requisite number of nomination papers which must be submitted and filed. The filing fee paid under this section shall be in addition to the administrative assessment paid under RSA 655:19-c. The filing fees shall be as follows:

3 Certain Primary Petition Requirements Removed. Amend the introductory paragraph of RSA 655:19-c, I to read as follows:

I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III in addition to the filing fee ~~[and primary petition]~~ requirements of RSA 655:19 ~~[and 655:20]~~ *unless the candidate agrees to limit expenditures in accordance with RSA 664:5-a.* Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of intent shall pay the administrative assessment in paragraph I in addition to the filing fee required by RSA 655:19 and shall meet the requirements of RSA 655:40-45 for nomination by nomination papers. Neither the administrative assessment which is paid nor the primary petitions which are filed under this section, nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b. At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

4 Primary Petitions; References to Filing in Lieu of Expenditure Limitations Removed. RSA 655:20 is repealed and reenacted to read as follows:

655:20 Primary Petitions in Lieu of Filing Fees. Any person otherwise qualified to run for office who is unable to pay the filing fee as prescribed in RSA 655:19 by reason of indigency may have the person's name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. The number of primary petitions required shall be the same as required under RSA 655:19-c, III to avoid payment of the administrative assessment prescribed under RSA 655:19-c, I.

5 Repeal. RSA 655:22, relative to the number of certain primary petitions to be filed in lieu of acceptance of expenditure limitations.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill removes primary petition filing requirements for candidates who do not voluntarily accept campaign spending limitations.

Adopted.

Reps. Pepino, Stritch and Hart spoke against.

Rep. Joseph Foster spoke in favor and yielded to questions.

Rep. Arnold spoke in favor.

Rep. Robert Johnson requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 277 NAYS 74****YEAS 277****BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Rosen, Ralph

Boriso, Thomas  
Holbrook, Robert  
Salatiello, Thomas

Boyce, Robert  
Lawton, David  
Thomas, John

Clark, Charles  
Lawton, Robert  
Turner, Robert

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
MacDonald, Kenneth

Bradley, Jeb  
Foster, Robert  
Mock, Henry

Chandler, Gene  
Kenney, Joseph  
Patten, Betsey

Cooper, Kipp  
Lyman, L. Randy  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Meador, David  
Russell, Ronald

Bonneau, Sarah  
Lynch, Margaret  
Metzger, Katherine  
Smith, Edwin

DePecol, Benjamin  
McGuirk, Paul  
Robertson, Timothy  
Steere, Myron, III

Doucette, Richard  
McNamara, Wanda  
Royce, H. Charles  
Vogl, John

**COOS**

Bradley, Paula  
Guay, Lawrence  
Merrill, Gerald  
Tholl, John, Jr.

Coulombe, Henry  
Hawkinson, Marie  
Moynihan, Wayne

Coulombe, Yvonne  
Horton, Lynn  
Pratt, Leighton

Davis, Perley  
Mears, Edgar  
St. Hilaire, Paul

**GRAFTON**

Almy, Susan  
Guaraldi, Lawrence  
Hinman, Harry  
Teschner, Douglass

Below, Clifton  
Guest, Robert  
Lovett, Sidney  
Trelfa, Richard

Copenhaver, Marion  
Ham, Bonnie  
MacNeil, Allen  
Weber, Phil

Eaton, Stephanie  
Hill, Richard  
Nordgren, Sharon  
Williams, William, Jr.

**HILLSBOROUGH**

Ackerman, Philip  
Arnold, Thomas, Jr.  
Belvin, William  
Briefs, Geoffrey  
Calawa, Leon, Jr.  
Clay, Susan  
Cote, David  
Daniels, Gary  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Foster, Linda  
Golding, William  
Hall, Betty  
Hunter, Bruce  
Kelley, Robert  
Leishman, Peter  
Lozeau, Donnalee  
MacIntyre, Doris  
Melcher, Harold  
Murphy, Robert  
Reidy, Frank  
Turgeon, Roland  
White, Jay

Allen, W. Gordon  
Asselin, Robert  
Bergin, Peter  
Brundige, Robert  
Cardin, Lori  
Clegg, Robert, Jr.  
Cote, Peter  
Dawe, Eileen  
Durham, Susan  
Fields, Dennis  
Gage, Ruth  
Gosselin, Gerald  
Hansen, Herbert  
Jean, Claudette  
Kurk, Neal  
Leonard, Peter  
Luebker, Bernard  
Martin, Mary  
Mercer, Robert  
O'Hearn, Jane  
Sargent, Maxwell  
Welch, Donald

Alukonis, David  
Barry, William, III  
Bernier, Shannon  
Buckley, Raymond  
Chabot, Robert  
Clemons, Jane  
D'Allesandro, Lou  
Desrosiers, William  
Dyer, Merton  
Flora, Kathleen  
Gagnon, Eugene  
Goulet, Maurice  
Herman, Keith  
Jean, Loren  
L'Heureux, Robert  
Lessard, Rudy  
MacAuslan, Rita  
McDonald, James, Sr.  
Messier, Irene  
Peterson, Andrew  
Searles, Stanley, Sr.  
Wheeler, Robert

Amidon, Eleanor  
Batula, Peter  
Boutin, David  
Burke, M. Virginia  
Christiansen, Lars  
Clemons, Kevin, Sr.  
Daigle, Robert  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Foster, Joseph  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Holden, Carol  
Johnson, Lionel  
LaRose, Richard  
Letendre, Evelyn  
MacGillivray, Jeffrey  
McGough, Tim  
Murch, George  
Piteri, Dawn  
Thulander, O. Alan  
White, Donald

**MERRIMACK**

Adams, Stephen  
Colburn, Thomas  
Dunn, Miriam  
Hager, Elizabeth  
Larrabee, David  
Marshall, Kenneth  
Nichols, Avis  
Wallner, Mary Jane

Anderson, Eric  
Crosby, Toni  
Fraser, Marilyn  
Hess, David  
Lavoie, Gerard  
Maxfield, Roy  
Rogers, Katherine  
Whalley, Michael

Chandler, Earle  
Daneault, Gabriel  
French, Barbara  
Hoadley, Elizabeth  
Leber, William  
Moore, Carol  
Seldin, Gloria  
Whittemore, James

Colburn, Kathleen  
DeStefano, Stephen  
Gile, Mary  
Langer, Ray  
Lockwood, Robert  
Morrill, Olive  
Wallin, Jean

**ROCKINGHAM**

Arndt, Janet  
Bishop, Franklin  
Cegelis, Mark  
Cooney, Richard  
Fesh, Robert  
Frechette, Joseph  
Henderson, Warren  
Langone, John  
Malcolm, Kenneth  
Micklon, Stephanie  
Norelli, Terie  
Pantelakos, Laura  
Stone, Joseph  
Welch, David

Battles-Peirce, Marjorie  
Blanchard, MaryAnn  
Christie, Andrew, Jr.  
Dowd, Sandra  
Flanders, David  
Gleason, John  
Johnson, Robert  
Letourneau, Robert  
McCarthy, John, Jr.  
Millard, Ralph  
Nowe, Ronald  
Sabella, Norma  
Tufts, J. Arthur  
Weyler, Kenneth

Beaulieu, Jon  
Carson, Gregory  
Clark, Martha  
Downing, Michael  
Flanders, John, Sr.  
Guthrie, Joseph  
Kelley, Jane  
Lovejoy, Marian  
McGovern, Cynthia  
Moore, Benjamin  
Noyes, Richard  
Smith, Kevin  
Varrell, Thomas  
Woods, Deborah

Belanger, Ronald  
Case, Margaret  
Coes, Betsy  
Dube, LeRoy  
Francoeur, Sheila  
Heath, John  
Klemm, Arthur, Jr.  
Major, Norman  
McKinney, Betsy  
Morris, Debbie  
O'Keefe, Patricia  
Stickney, Nancy  
Weatherspoon, Jackie

**STRAFFORD**

Bickford, David  
DeChane, Marlene  
Hilliard, Dana  
McCann, William, Jr.  
Musler, George  
Snyder, Clair

Brennan, William  
Estabrook, Iris  
Kaen, Naida  
McKinley, Robert  
Pelletier, Arthur  
Spear, Barbara

Brown, Julie  
Grassie, Anne  
Knowles, William  
Merrill, Amanda  
Rogers, Rose Marie  
Torr, Ann

Callaghan, Frank  
Hemon, Roland  
Lundborn, Raymond  
Merritt, Deborah  
Rollo, Michael  
Twardus, Joseph

**SULLIVAN**

Adler, Rudolf  
Flint, Gordon  
Wiggins, Celestine

Allison, David  
Leone, Richard

Burling, Peter  
Lindblade, Eric

Cloutier, John  
Palmer, Lorraine

**NAYS 74****BELKNAP**

Hurt, George

Laflam, Robert

Rice, Thomas, Jr.

Ziegra, Alice

**CARROLL**

Howard, Godfrey

**CHESHIRE**

Burnham, Daniel  
Riley, William

Champagne, Richard

Pratt, John

Richardson, Barbara

**COOS**

None

**GRAFTON**

Akins, Ralph  
Root, John

Alger, John

LaMott, Paul

Phinney, William

**HILLSBOROUGH**

|                  |                     |                  |                   |
|------------------|---------------------|------------------|-------------------|
| Carlson, Donald  | Carney, Lauren      | Dwyer, Paul, Sr. | Fenton, James     |
| Hart, Nick       | Holley, Sylvia      | Holt, David      | McCarthy, William |
| McCarty, Winston | Mittelman, David    | Pepino, Leo      | Perkins, Paul     |
| Riley, Frances   | Vaillancourt, Steve | Williams, Carol  | Wright, George    |

**MERRIMACK**

|                 |                    |                |                   |
|-----------------|--------------------|----------------|-------------------|
| Brown, Mary     | Feuerstein, Martin | Jacobson, Alf  | Krueger, Patricia |
| Lamach, Bernard | Owen, Derek        | Pfaff, Terence | St. Cyr, Gerard   |
| Yeaton, Charles |                    |                |                   |

**ROCKINGHAM**

|                     |                      |                     |                       |
|---------------------|----------------------|---------------------|-----------------------|
| Camm, Kevin         | Cushing, Robert      | Dearborn, Bruce     | Dodge, Robert         |
| Dolan, Richard      | Dowling, Patricia    | Dunham, Vivian      | Flanagan, Natalie     |
| Gibbons, Paul       | Griffin, Mary        | Hutchinson, Rebecca | Kane, Cecelia         |
| Katsakiores, George | Katsakiores, Phyllis | Kobel, Rudolph      | Langley, Jane         |
| Mikowski, Walter    | Raynowska, Bernard   | Schanda, Frank      | Simmons, John Anthony |
| Stritch, C. Donald  | Syracusa, Anthony    | Vaughn, Charles     |                       |

**STRAFFORD**

|                  |                 |                 |                 |
|------------------|-----------------|-----------------|-----------------|
| Dunlap, Patricia | Keans, Sandra   | Smith, Marjorie | Sullivan, Henry |
| Torr, Franklin   | Tsiros, William | Wall, Janet     |                 |

**SULLIVAN**

|                 |                 |                  |                  |
|-----------------|-----------------|------------------|------------------|
| Donovan, Thomas | Ferland, Brenda | Krueger, Richard | Schotanus, Merle |
|-----------------|-----------------|------------------|------------------|

and the report was adopted.  
Ordered to third reading.

**MOTIONS TO SPECIAL ORDER**

Rep. Carol Moore moved that **HB 211**, defining the terms "psychological injury" and relative terms under the child protection act be made a Special Order immediately following the lunch recess. Adopted.

Rep. Hess moved that **HB 198**, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction, be made a Special Order as the second bill following the lunch recess. Adopted.

Rep. Jeb Bradley moved that **HB 660**, adding the name of Martin Luther King, Jr. to Civil Rights Day and **SB 157**, adding the name of Martin Luther King, Jr. to Civil Rights Day, be made Special Orders for 3:00 p.m. today.

Adopted.

**RECESS**

(Speaker Sytek in the Chair)

**SPECIAL ORDERS**

**HB 211**, defining the terms "psychological injury" and related terms under the child protection act. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Julie M. Brown for the Majority of Judiciary and Family Law: This bill has had considerable study and is needed as our present law is so vague. This compromise language improves what we now have and is a first step in helping our children, and could be the beginning of landmark legislation. Vote 10-7.

Reps. Paul M. Mirski and Thomas M. Colburn for the Minority of Judiciary and Family Law: The sponsors of HB 211 have worked diligently to create a definition of psychological abuse which would clarify the definition which presently exists in statute. Unfortunately, to the potential detriment of parents and other caregivers, the bill as proposed still offers the opportunity for expansive

interpretation of a wide variety of behaviors as potential causes of psychological injury. The minority believe that the interests of abused children and the interests of parents and others would be better served by editing out those elements in the language of the bill which would permit or encourage less studious and less astute members of the judiciary to inadvertently convict responsible caregivers of psychological abuse.

### Amendment (0684h)

Amend paragraphs I and II as inserted by section 1 of the bill by replacing them with the following:

I. Psychological injury produces both acute and long-term negative effects. Such injury is a repeated pattern of caregiver behavior that conveys the message that a child is worthless, flawed, unloved, unwanted, or endangered. Many caregivers, at some point, send such unfortunate messages. There are no perfect caregivers. Most psychological injury occurs when these negative messages pass from isolated incidents to a persistent oppressive pattern of caregiving style.

II. Research establishes a connection between psychological injury and attachment disorders, limitations in cognitive ability and problem solving, poor academic achievement, depression, poor peer relationships, behavior problems, anxiety disorders (especially post-traumatic stress disorder), and anti-social behavior. Impairments may extend into adulthood affecting one's ability to function and maintain relationships in the home, workplace, and community. Cases involving psychological injury receive less frequent intervention than do cases involving physical injury or sexual abuse, yet such injury may actually result in more serious negative effects.

Amend RSA 169-C:3, XXV-a as inserted by section 5 of the bill by replacing it with the following:

XXV-a.(a) "Psychological injury" means harm to the intellectual and psychological capacity of a child by a discernible and substantial impairment in the ability to function within the established ranges of normal growth and development accepted by academic and medical disciplines. Harm to a child's intellectual and psychological capacity may be caused by recurrent, harmful, behaviors engaged in by a caregiver. Such behavior is a repeated pattern of caregiver behavior that may include, but is not limited to, exposing a child to acts of hostile rejecting, isolating, exploiting or corrupting, domestic violence, or terrorizing.

(b) Sexual or physical abuse are not requisite to a finding of psychological injury or maltreatment. However, when there is a finding of sexual or physical abuse, there shall be a presumption of psychological injury.

Adopted.

Reps. Donald White, Howard and Cobbin spoke against.

Reps. Hess, Irene Pratt and Woods spoke in favor.

Rep. Mirski spoke against and yielded to questions.

Rep. Carol Moore spoke in favor and yielded to questions.

Rep. Bickford requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

### YEAS 221 NAYS 134

#### YEAS 221

#### BELKNAP

|                    |                |                  |                |
|--------------------|----------------|------------------|----------------|
| Clark, Charles     | Golden, Paul   | Holbrook, Robert | Lawton, Robert |
| Salatiello, Thomas | Turner, Robert | Ziegra, Alice    |                |

#### CARROLL

|              |                |              |                |
|--------------|----------------|--------------|----------------|
| Bradley, Jeb | Chandler, Gene | Cooper, Kipp | Foster, Robert |
|--------------|----------------|--------------|----------------|

#### CHESHIRE

|                    |                   |                     |                    |
|--------------------|-------------------|---------------------|--------------------|
| Avery, Stephen     | Bonneau, Sarah    | Burnham, Daniel     | Champagne, Richard |
| DePecol, Benjamin  | Doucette, Richard | Hunt, John          | Lynch, Margaret    |
| Lynott, Margaret   | McGuirk, Paul     | Meador, David       | Metzger, Katherine |
| Pratt, Irene       | Pratt, John       | Richardson, Barbara | Riley, William     |
| Robertson, Timothy | Royce, H. Charles | Russell, Ronald     | Smith, Edwin       |

**COOS**

|                  |                 |                  |               |
|------------------|-----------------|------------------|---------------|
| Bradley, Paula   | Coulombe, Henry | Coulombe, Yvonne | Davis, Perley |
| Hawkinson, Marie | Mears, Edgar    | Moynihan, Wayne  |               |

**GRAFTON**

|                  |                |                  |                    |
|------------------|----------------|------------------|--------------------|
| Akins, Ralph     | Almy, Susan    | Below, Clifton   | Copenhaver, Marion |
| Eaton, Stephanie | Guest, Robert  | Ham, Bonnie      | LaMott, Paul       |
| Lovett, Sidney   | MacNeil, Allen | Nordgren, Sharon | Teschner, Douglass |

**HILLSBOROUGH**

|                        |                            |                      |                       |
|------------------------|----------------------------|----------------------|-----------------------|
| Ackerman, Philip       | Allen, W. Gordon           | Amidon, Eleanor      | Asselin, Robert       |
| Barry, William, III    | Bergin, Peter              | Bernier, Shannon     | Brundige, Robert      |
| Buckley, Raymond       | Calawa, Leon, Jr.          | Cardin, Lori         | Carney, Lauren        |
| Chabot, Robert         | Clay, Susan                | Clemons, Jane        | Cote, David           |
| Cote, Peter            | D'Allesandro, Lou          | Daigle, Robert       | Desrosiers, William   |
| Dokmo, Cynthia         | Drabinowicz, A. Theresa    | Durham, Susan        | Dyer, Merton          |
| Emerton, Lawrence, Sr. | Ferguson, Charles          | Fields, Dennis       | Foster, Joseph        |
| Foster, Linda          | Gage, Ruth                 | Gagnon, Eugene       | Ginsburg, Ruth        |
| Golding, William       | Haettenschwiller, Alphonse | Hall, Betty          | Hart, Nick            |
| Herman, Keith          | Holden, Carol              | Jean, Claudette      | Johnson, Lionel       |
| Kelley, Robert         | L'Heureux, Robert          | LaRose, Richard      | Leishman, Peter       |
| Leonard, Peter         | Lozeau, Donnalee           | MacAuslan, Rita      | Martin, Mary          |
| McCarthy, William      | McCarty, Winston           | McDonald, James, Sr. | Melcher, Harold       |
| Messier, Irene         | Milligan, Robert           | Murphy, Robert       | O'Hearn, Jane         |
| Perkins, Paul          | Reidy, Frank               | Sargent, Maxwell     | Searles, Stanley, Sr. |
| Turgeon, Roland        | Welch, Donald              | Wheeler, Robert      | White, Jay            |
| Williams, Carol        |                            |                      |                       |

**MERRIMACK**

|                    |                   |                    |                 |
|--------------------|-------------------|--------------------|-----------------|
| Anderson, Eric     | Burney, Carol     | Chandler, Earle    | Crosby, Toni    |
| DeStefano, Stephen | Dunn, Miriam      | Fraser, Marilyn    | French, Barbara |
| Gile, Mary         | Hager, Elizabeth  | Hess, David        | Jacobson, Alf   |
| Lockwood, Robert   | Marshall, Kenneth | Moore, Carol       | Nichols, Avis   |
| Owen, Derek        | Pfaff, Terence    | Reardon, Tara      | Seldin, Gloria  |
| St. Cyr, Gerard    | Wallin, Jean      | Wallner, Mary Jane | Yeaton, Charles |

**ROCKINGHAM**

|                          |                     |                      |                    |
|--------------------------|---------------------|----------------------|--------------------|
| Battles-Peirce, Marjorie | Blanchard, MaryAnn  | Carson, Gregory      | Case, Margaret     |
| Christie, Andrew, Jr.    | Clark, Martha       | Coes, Betsy          | Cooney, Richard    |
| Cushing, Robert          | Downing, Michael    | Dube, LeRoy          | Flanagan, Natalie  |
| Flanders, John, Sr.      | Frechette, Joseph   | Gleason, John        | Griffin, Mary      |
| Heath, John              | Henderson, Warren   | Hutchinson, Rebecca  | Johnson, Robert    |
| Kane, Cecelia            | Katsakiores, George | Katsakiores, Phyllis | Kelley, Jane       |
| Klemm, Arthur, Jr.       | Langley, Jane       | Langone, John        | Lovejoy, Marian    |
| McCarthy, John, Jr.      | McGovern, Cynthia   | McKinney, Betsy      | Micklon, Stephanie |
| Norelli, Terie           | Noyes, Richard      | Pantelakos, Laura    | Sabella, Norma     |
| Schanda, Frank           | Stickney, Nancy     | Stone, Joseph        | Syracusa, Anthony  |
| Tufts, J. Arthur         | Vaughn, Charles     | Weatherspoon, Jackie | Welch, David       |
| Woods, Deborah           |                     |                      |                    |

**STRAFFORD**

|                    |                  |                   |                      |
|--------------------|------------------|-------------------|----------------------|
| Brennan, William   | Brown, Julie     | Callaghan, Frank  | DeChane, Marlene     |
| Dunlap, Patricia   | Estabrook, Iris  | Grassie, Anne     | Hilliard, Dana       |
| Keans, Sandra      | Knowles, William | Lundborn, Raymond | McCann, William, Jr. |
| Merrill, Amanda    | Merritt, Deborah | Pelletier, Arthur | Pelletier, Marsha    |
| Rogers, Rose Marie | Rollo, Michael   | Smith, Marjorie   | Snyder, Clair        |
| Spear, Barbara     | Sullivan, Henry  | Torr, Ann         | Torr, Franklin       |
| Twardus, Joseph    | Vachon, Dennis   | Wall, Janet       |                      |

**SULLIVAN**

Burling, Peter  
Krueger, Richard  
Schotanus, Merle

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

Donovan, Thomas  
Lindblade, Eric

Ferland, Brenda  
Palmer, Lorraine

**NAYS 134****BELKNAP**

Bartlett, Gordon  
Lafiam, Robert  
Thomas, John

Boriso, Thomas  
Lawton, David

Boyce, Robert  
Rice, Thomas, Jr.

Hurt, George  
Rosen, Ralph

**CARROLL**

Babson, David, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Dickinson, Howard, Jr.  
MacDonald, Kenneth

Howard, Godfrey  
Mock, Henry

Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

McNamara, Wanda

Steere, Myron, III

**COOS**

Horton, Lynn  
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

St. Hilaire, Paul

**GRAFTON**

Alger, John  
Hinman, Harry  
Trelfa, Richard

Cobbin, Philip  
Mirski, Paul  
Weber, Phil

Guaraldi, Lawrence  
Phinney, William  
Williams, William, Jr.

Hill, Richard  
Root, John

**HILLSBOROUGH**

Alukonis, David  
Boutin, David  
Christiansen, Lars  
Fenton, James  
Hansen, Herbert  
Jean, Loren  
Letendre, Evelyn  
Marcinkowski, Michael  
Murch, George  
Riley, Frances  
Wright, George

Arnold, Thomas, Jr.  
Briefs, Geoffrey  
Clegg, Robert, Jr.  
Flora, Kathleen  
Holley, Sylvia  
Kurk, Neal  
Luebker, Bernard  
McGough, Tim  
Pepino, Leo  
Thulander, O. Alan

Batula, Peter  
Burke, M. Virginia  
Daniels, Gary  
Gosselin, Gerald  
Holt, David  
Lefebvre, Roland  
MacGillivray, Jeffrey  
Mercer, Robert  
Peterson, Andrew  
Vaillancourt, Steve

Belvin, William  
Carlson, Donald  
Dawe, Eileen  
Goulet, Maurice  
Hunter, Bruce  
Lessard, Rudy  
MacIntyre, Doris  
Mittelman, David  
Piteri, Dawn  
White, Donald

**MERRIMACK**

Adams, Stephen  
Daneault, Gabriel  
Lamach, Bernard  
Leber, William

Brown, Mary  
Feuerstein, Martin  
Langer, Ray  
Maxfield, Roy

Colburn, Thomas  
Hoadley, Elizabeth  
Larrabee, David  
Morrill, Olive

Crowell, Peter  
Krueger, Patricia  
Lavoie, Gerard  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Dolan, Richard  
Fesh, Robert  
Kobel, Rudolph  
Mikowski, Walter  
Nowe, Ronald  
Smith, Kevin

Beaulieu, Jon  
Cegelis, Mark  
Dowd, Sandra  
Flanders, David  
Letourneau, Robert  
Millard, Ralph  
Raynowska, Bernard  
Stritch, C. Donald

Belanger, Ronald  
Dearborn, Bruce  
Dowling, Patricia  
Francoeur, Sheila  
Major, Norman  
Moore, Benjamin  
Reardon, Neil  
Varrell, Thomas

Bishop, Franklin  
Dodge, Robert  
Dunham, Vivian  
Gibbons, Paul  
Malcolm, Kenneth  
Morris, Debbie  
Simmons, John Anthony  
Weyler, Kenneth

**STRAFFORD**

Berube, Roger  
McKinley, Robert

Bickford, David  
Musler, George

Hemon, Roland  
Tsiros, William

Kaen, Naida

**SULLIVAN**

Adler, Rudolf

Flint, Gordon

and the report was adopted.

**MOTION TO SUSPEND THE RULES**

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit referral of **HB 211**, defining the terms "psychological injury" and related terms under the child protection act, to the Finance Committee beyond the deadline.

Rep. MacGillivray requested a roll call; sufficiently seconded.

The question being the motion to suspend the rules.

**YEAS 174 NAYS 181**

**YEAS 174**

**BELKNAP**

Bartlett, Gordon  
Lawton, David  
Ziegra, Alice

Boyce, Robert  
Rice, Thomas, Jr.

Clark, Charles  
Thomas, John

Laflam, Robert  
Turner, Robert

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
MacDonald, Kenneth

Bradley, Jeb  
Foster, Robert  
Mock, Henry

Chandler, Gene  
Howard, Godfrey  
Patten, Betsey

Cooper, Kipp  
Lyman, L. Randy  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Pratt, John

Hunt, John  
Royce, H. Charles

McNamara, Wanda  
Smith, Edwin

Metzger, Katherine  
Steere, Myron, III

**COOS**

Horton, Lynn  
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

St. Hilaire, Paul

**GRAFTON**

Alger, John  
Hinman, Harry  
Trelfa, Richard

Cobbin, Philip  
MacNeil, Allen  
Weber, Phil

Eaton, Stephanie  
Mirski, Paul  
Williams, William, Jr.

Hill, Richard  
Teschner, Douglass

**HILLSBOROUGH**

Ackerman, Philip  
Batula, Peter  
Burke, M. Virginia  
Clegg, Robert, Jr.  
Durham, Susan  
Flora, Kathleen  
Herman, Keith  
Jean, Loren  
LaRose, Richard  
Lozeau, Donnalee  
Marcinkowski, Michael  
Melcher, Harold  
Murch, George  
Sargent, Maxwell  
Vaillancourt, Steve

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr.  
Daniels, Gary  
Dyer, Merton  
Golding, William  
Holden, Carol  
Johnson, Lionel  
Lefebvre, Roland  
Luebkert, Bernard  
McCarthy, William  
Mercer, Robert  
O'Hearn, Jane  
Searles, Stanley, Sr.  
Wheeler, Robert

Amidon, Eleanor  
Bergin, Peter  
Carlson, Donald  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Goulet, Maurice  
Holley, Sylvia  
Kelley, Robert  
Lessard, Rudy  
MacGillivray, Jeffrey  
McCarty, Winston  
Messier, Irene  
Peterson, Andrew  
Thulander, O. Alan  
White, Donald

Arnold, Thomas, Jr.  
Boutin, David  
Carney, Lauren  
Dokmo, Cynthia  
Fenton, James  
Hansen, Herbert  
Holt, David  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
McGough, Tim  
Mittelman, David  
Piteri, Dawn  
Turgeon, Roland

**MERRIMACK**

|                   |                    |                  |                    |
|-------------------|--------------------|------------------|--------------------|
| Anderson, Eric    | Brown, Mary        | Burney, Carol    | Chandler, Earle    |
| Colburn, Thomas   | Feuerstein, Martin | Hager, Elizabeth | Hoadley, Elizabeth |
| Krueger, Patricia | Langer, Ray        | Larrabee, David  | Marshall, Kenneth  |
| Morrill, Olive    | Nichols, Avis      | Pfaff, Terence   | Whalley, Michael   |

**ROCKINGHAM**

|                       |                      |                    |                     |
|-----------------------|----------------------|--------------------|---------------------|
| Arndt, Janet          | Beaulieu, Jon        | Belanger, Ronald   | Bishop, Franklin    |
| Camm, Kevin           | Carson, Gregory      | Gegelis, Mark      | Dearborn, Bruce     |
| Dodge, Robert         | Dowd, Sandra         | Dowling, Patricia  | Dunham, Vivian      |
| Fesh, Robert          | Flanagan, Natalie    | Flanders, David    | Flanders, John, Sr. |
| Gleason, John         | Heath, John          | Henderson, Warren  | Johnson, Robert     |
| Katsakiores, George   | Katsakiores, Phyllis | Klemm, Arthur, Jr. | Kobel, Rudolph      |
| Langley, Jane         | Langone, John        | Letourneau, Robert | Lovejoy, Marian     |
| Major, Norman         | McKinney, Betsy      | Mikowski, Walter   | Moore, Benjamin     |
| Morris, Debbie        | Nowe, Ronald         | Noyes, Richard     | Reardon, Neil       |
| Simmons, John Anthony | Stone, Joseph        | Stritch, C. Donald | Varrell, Thomas     |
| Welch, David          |                      |                    |                     |

**STRAFFORD**

|                |                 |                |                  |
|----------------|-----------------|----------------|------------------|
| Berube, Roger  | Bickford, David | Kaen, Naida    | McKinley, Robert |
| Musler, George | Spear, Barbara  | Torr, Franklin | Vachon, Dennis   |

**SULLIVAN**

|                 |                |               |                |
|-----------------|----------------|---------------|----------------|
| Adler, Rudolf   | Burling, Peter | Flint, Gordon | Leone, Richard |
| Lindblade, Eric |                |               |                |

**NAYS 181****BELKNAP**

|                |              |                    |              |
|----------------|--------------|--------------------|--------------|
| Boriso, Thomas | Golden, Paul | Holbrook, Robert   | Hurt, George |
| Lawton, Robert | Rosen, Ralph | Salatiello, Thomas |              |

**CARROLL**

Kenney, Joseph

**CHESHIRE**

|                    |                 |                     |                   |
|--------------------|-----------------|---------------------|-------------------|
| Bonneau, Sarah     | Burnham, Daniel | Champagne, Richard  | DePecol, Benjamin |
| Doucette, Richard  | Lynch, Margaret | Lynott, Margaret    | McGuirk, Paul     |
| Meader, David      | Pratt, Irene    | Richardson, Barbara | Riley, William    |
| Robertson, Timothy | Russell, Ronald |                     |                   |

**COOS**

|                  |                 |                  |               |
|------------------|-----------------|------------------|---------------|
| Bradley, Paula   | Coulombe, Henry | Coulombe, Yvonne | Davis, Perley |
| Hawkinson, Marie | Mears, Edgar    | Moynihan, Wayne  |               |

**GRAFTON**

|                    |                  |                  |                    |
|--------------------|------------------|------------------|--------------------|
| Akins, Ralph       | Almy, Susan      | Below, Clifton   | Copenhaver, Marion |
| Guaraldi, Lawrence | Guest, Robert    | Ham, Bonnie      | LaMott, Paul       |
| Lovett, Sidney     | Nordgren, Sharon | Phinney, William | Root, John         |

**HILLSBOROUGH**

|                     |                         |                     |                  |
|---------------------|-------------------------|---------------------|------------------|
| Allen, W. Gordon    | Asselin, Robert         | Barry, William, III | Bernier, Shannon |
| Briefs, Geoffrey    | Brundige, Robert        | Buckley, Raymond    | Cardin, Lori     |
| Chabot, Robert      | Christiansen, Lars      | Clay, Susan         | Clemons, Jane    |
| Cote, David         | Cote, Peter             | D'Allesandro, Lou   | Daigle, Robert   |
| Desrosiers, William | Drabinowicz, A. Theresa | Ferguson, Charles   | Fields, Dennis   |

Foster, Joseph  
Ginsburg, Ruth  
Hart, Nick  
Leishman, Peter  
McDonald, James, Sr.  
Perkins, Paul  
White, Jay

Foster, Linda  
Gosselin, Gerald  
Hunter, Bruce  
Leonard, Peter  
Milligan, Robert  
Reidy, Frank  
Williams, Carol

Gage, Ruth  
Haettenschwiller, Alphonse  
Jean, Claudette  
MacAuslan, Rita  
Murphy, Robert  
Riley, Frances  
Wright, George

Gagnon, Eugene  
Hall, Betty  
L'Heureux, Robert  
Martin, Mary  
Pepino, Leo  
Welch, Donald

### MERRIMACK

Adams, Stephen  
DeStefano, Stephen  
Gile, Mary  
Lavoie, Gerard  
Moore, Carol  
St. Cyr, Gerard

Crosby, Toni  
Dunn, Miriam  
Hess, David  
Leber, William  
Owen, Derek  
Wallin, Jean

Crowell, Peter  
Fraser, Marilyn  
Jacobson, Alf  
Lockwood, Robert  
Reardon, Tara  
Wallner, Mary Jane

Daneault, Gabriel  
French, Barbara  
Lamach, Bernard  
Maxfield, Roy  
Seldin, Gloria  
Yeaton, Charles

### ROCKINGHAM

Battles-Peirce, Marjorie  
Clark, Martha  
Dolan, Richard  
Frechette, Joseph  
Kane, Cecelia  
McGovern, Cynthia  
Pantelakos, Laura  
Smith, Kevin  
Vaughn, Charles

Blanchard, MaryAnn  
Coes, Betsy  
Downing, Michael  
Gibbons, Paul  
Kelley, Jane  
Micklon, Stephanie  
Raynowska, Bernard  
Stickney, Nancy  
Weatherspoon, Jackie

Case, Margaret  
Cooney, Richard  
Dube, LeRoy  
Griffin, Mary  
Malcolm, Kenneth  
Millard, Ralph  
Sabella, Norma  
Syracusa, Anthony  
Weyler, Kenneth

Christie, Andrew, Jr.  
Cushing, Robert  
Francoeur, Sheila  
Hutchinson, Rebecca  
McCarthy, John, Jr.  
Norelli, Terie  
Schanda, Frank  
Tufts, J. Arthur  
Woods, Deborah

### STRAFFORD

Brennan, William  
Dunlap, Patricia  
Hilliard, Dana  
McCann, William, Jr.  
Pelletier, Marsha  
Snyder, Clair  
Twardus, Joseph

Brown, Julie  
Estabrook, Iris  
Keans, Sandra  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Wall, Janet

Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Rollo, Michael  
Torr, Ann

DeChane, Marlene  
Hemon, Roland  
Lundborn, Raymond  
Pelletier, Arthur  
Smith, Marjorie  
Tsiros, William

### SULLIVAN

Cloutier, John  
Palmer, Lorraine

Donovan, Thomas  
Schotanus, Merle

Ferland, Brenda  
Wiggins, Celestine

Krueger, Richard

and the motion failed.

HB 211 was ordered to third reading.

### SPECIAL ORDERS (CONT'D.)

**HB 198-L**, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction. RE-REFER TO COMMITTEE

Rep. Stephen G. Avery for Local and Regulated Revenues: The committee had many questions on this piece of legislation, including the constitutionality of the bill. The committee would like to ask the House to send questions concerning certain provisions of this bill to the supreme court for an advisory opinion and then address the issues later this session. The Chairman of the committee will offer a motion to table this bill and address the House Resolution which would request an Opinion of the Justices. Vote 15-0.

Rep. Hess spoke against.

### LAIID ON THE TABLE

Rep. Metzger moved that **HB 198**, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction be laid upon the table.

Adopted.

**SUSPENSION OF RULES**

Rep. Hess moved that the Rules be so far suspended as to allow the drafting and introduction at the present time of **HR 20**, requesting an opinion of the justices concerning the constitutionality off **HB 198-LOCAL**, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction.

Adopted by the necessary two-thirds.

**INTRODUCTION OF HR****First, second reading**

**HR 20**, requesting an opinion of the justices concerning the constitutionality off **HB 198-LOCAL**, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction.

**REGULAR CALENDAR (CONT'D.)**

**HB 446**, prohibiting candidates of one party from accepting the nomination of another party. **OUGHT TO PASS**

Rep. John M. Root for Election Law: This was a non-partisan vote. The majority considered this bill as a "truth in labeling" fix to present practice which was characterized as a "politician protection procedure." It was also pointed out that this bill does not restrict a voter's right to vote for any candidate by writing in a name; rather it seeks to restrict a nominee from accepting the windfall nomination of another party by means of a handful of votes. Vote 9-8.

Adopted and ordered to third reading.

**HB 171**, relative to the citizens advisory committee which advises the pesticide control board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harold P. Melcher for Environment and Agriculture: Testimony made clear that the citizens advisory board was ineffective and that the existing pesticide control board has the identical responsibility. Therefore the advisory committee is deemed unnecessary. Vote 13-0.

**Amendment (0598h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** repealing the citizens advisory committee which advises the pesticide control board.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 430:31-a, relative to the citizens advisory committee which advises the pesticide control board, is repealed.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill repeals the citizens advisory committee which advises the pesticide control board. Adopted.

Report adopted and ordered to third reading.

**HB 352**, modifying the definitions of "agriculture" and "farming" for certain purposes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donald R. Philbrick for Environment and Agriculture: The committee agrees with the policy of including the category of genetically engineered short rotation tree fiber in RSA 21:34a. The bill as amended includes the exemption of this crop from timber yield taxes, as fruit trees and Christmas trees have been exempted. Genetically engineered short rotation tree fiber is being proposed on an experimental basis using a hybrid type of poplar tree which is used for pulp in the production of paper. Vote 14-0.

**Amendment (0643h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** modifying the definitions of "agriculture" and "farming" for certain purposes and adding a definition of "short rotation tree fiber farming."

Amend the bill by replacing all after the enacting clause with the following:

1 Short Rotation Tree Fiber Farming. Amend RSA 21:34-a to read as follows:

21:34-a Farm, Agriculture, Farming. The word "farm" shall mean any land or buildings or structures on or in which agriculture and farming operations are carried on and shall include the residence or residences of owners, occupants, or employees located on such land. The words "agriculture" and "farming" shall mean all operations of a farm such as the cultivation, conserving, and tillage of the soil, dairying, greenhouse operations, *short rotation tree fiber farming as defined in RSA 79:1, VI*, the production, cultivation, growing and harvesting of any agricultural, floricultural, sod, *short rotation tree fiber*, or horticultural commodities, the raising of livestock, bees, fur-bearing animals, fresh water fish or poultry, or any practices on the farm as an incident to or in conjunction with such farming operations including, but not necessarily restricted to, the following: preparation for market, delivery to storage or to market, or to carriers for transportation to market, of any products or materials from the farm; the transportation to the farm of supplies and materials; the transportation of farm workers; forestry or lumbering operations; the marketing or selling at wholesale or retail or in any other manner any products from the farm and of other supplies that do not exceed in average yearly dollar volume the value of products from such farm.

2 New Paragraph; Definition; Short Rotation Tree Fiber Farming. Amend RSA 79:1 by inserting after paragraph V the following new paragraph:

VI. "Short rotation tree fiber farming" means the production, cultivation, growing and harvesting of any genetically-engineered tree species for rotation periods not to exceed 15 years between planting and harvesting.

3 Release from Taxes; Genetically-Engineered Short Rotation Tree Fiber. Amend RSA 79:2 to read as follows:

79:2 Release from Taxes. All growing wood and timber except fruit trees, sugar orchards, nursery stock, Christmas trees and trees maintained only for shade or ornamental purposes *or for genetically-engineered short rotation tree fiber*, which shall not be subject to the yield tax, shall be released from the general property tax and the school tax in unincorporated places provided for in RSA 198:16, but the land on which such growing wood and timber stands shall be assessed.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill adds short rotation tree fiber farming to the list of that which constitutes "agriculture" or "farming" and short rotation tree fiber commodities to the types of commodities included in the definition of "agriculture" and "farming".

The bill excludes trees grown and maintained for short rotation tree fiber not subject to the normal yield tax from the general property tax and the school tax.

Adopted.

Report adopted and ordered to third reading.

#### **HB 384**, relative to requiring notification by utilities of right-of-way maintenance. INEXPEDIENT TO LEGISLATE

Rep. John B. Heath for Environment and Agriculture: The current system of notification is by and large working. The considerable additional expense of effective signage and additional publicity efforts, especially in the worrisome present economic climate of energy deregulation, seemed to a strong majority of the committee to be unwarranted at this time. Vote 13-1.

Adopted.

#### **HB 418**, prohibiting the land application of sludge or biosolids containing amounts of heavy metals over certain limits. RE-REFER TO COMMITTEE

Rep. Peter R. Leishman for Environment and Agriculture: The committee, with sponsor approval, agreed that further research and information is required concerning this proposed legislation. Vote 14-0.

Adopted.

#### **HB 496**, requiring all land application of sludge or biosolids to comply with certain best management practices and relative to an exceptional quality exclusion. INEXPEDIENT TO LEGISLATE

Rep. David L. Babson Jr. for Environment and Agriculture: The committee takes the position that Department of Environmental Services rules in place incorporate "best management" practices and placing exemptions in law for any portion of these issues is not appropriate at this time. Vote 13-0.

Adopted.

**HB 497**, excluding domestic septage from regulation as sludge or biosolids. RE-REFER TO COMMITTEE

Rep. Perley E. Davis for Environment and Agriculture: The committee felt that this bill should be re-referred to allow the committee to work out solutions for several questions on a controversial and emotional subject. Vote 11-3.

Adopted.

**HB 368**, establishing the honorary position of artist laureate of the state of New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: HB 368, as amended, provides for New Hampshire residents to be honored with the title of New Hampshire "Artist Laureate". This appointment will be made by the governor and council every two years so that many artists will have the opportunity to be considered by the New Hampshire Council on the Arts for nomination. Vote 16-2.

#### Amendment (0597h)

Amend RSA 3-D:1 and RSA 3-D:2 as inserted by section 2 of the bill by replacing them with the following:

3-D:1 Position Established. There is hereby established the position of artist laureate for the state. The governor, with the advice and consent of the council, shall appoint the artist laureate. The person so honored shall be a resident of this state and shall serve for a 2-year term which shall be coterminous with the term of the governor. There shall be no restriction on reappointment.

3-D:2 Recommendations. Prior to the appointment of an artist laureate, the New Hampshire council on the arts shall submit to the governor and council the names of persons whom they deem to be worthy of the honorary position. Upon the expiration of the term of the artist laureate, as provided in RSA 3-D:1, the commission shall again submit to the governor and council a name or names for a successor.

Adopted.

Report adopted and ordered to third reading.

**HB 378**, regulating the practice of acupuncture. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Maurice E. Goulet for the Majority of Executive Departments and Administration: The bill establishes a board of acupuncture licensing to be administratively attached to the office of the commissioner of the department of health and human services. Although well written, it required 4 amendments to fine tune the bill. The amendments will 1) require the use of disposable needles for each patient, 2) allow licensed health professionals to provide acupuncture treatment if their current statutes permit such treatment, 3) provide Class B misdemeanor for persons who violate this act, and 4) allow the board to assess administrative fines. To become licensed, an acupuncturist must have a baccalaureate degree or be licensed as a nurse or physicians assistant and have successfully completed a post secondary acupuncture college program which is board approved. Acupuncturists may reciprocate from another state if they hold a valid license and the states licensure requirements are equal to or greater than the New Hampshire requirements. Enactment of this law will allow those that now must travel to Maine, Massachusetts or Vermont for treatment to obtain these services in New Hampshire and acupuncture will take its place as an alternative health practice in New Hampshire. Vote 14-2.

Rep. Timothy N. Robertson for the Minority of Executive Departments and Administration: This bill legitimizes the practice of acupuncture. Acupuncture is not a science. The fact that it is effective only proves the power of the human mind. The only statement given during our hearing was "It works, because it does".

#### Amendment (0590h)

Amend the bill by replacing section 1 with the following:

1 New Chapter; Acupuncture. Amend RSA by inserting after chapter 328-E the following new chapter:

## CHAPTER 328-F ACUPUNCTURE

### 328-F:1 Findings and Purpose.

I. The general court finds that a significant number of New Hampshire residents choose acupuncture and oriental medicine to be part of their health care needs and declares that acupuncture and oriental medicine form a distinct health care profession that affects the public health, safety, and welfare and provides freedom of choice in health care.

#### II. The purpose of this chapter is:

(a) To provide standards for the licensing and regulation of acupuncturists in order to protect the public health, safety, and welfare.

(b) To ensure that acupuncture and oriental medical therapies practiced by qualified persons are available to the people of New Hampshire.

(c) To provide a means of identifying qualified acupuncturists.

### 328-F:2 Definitions. In this chapter:

I. "Acupuncture" means primarily the insertion of needles through the skin at certain points on the body, with or without the application of electric current and/or heat, for the purpose of promoting health and balance as defined by the principles of oriental medicine.

II. "Acupuncturist" means a person licensed to practice acupuncture as defined in this chapter, and whose license is in good standing.

III. "Board" means the board of acupuncture licensing established under RSA 328-F:3.

IV. "Cupping" means a therapeutic method of oriental medicine that utilizes a partial vacuum created in a glass dome or cup that is then applied to a particular area of the body.

V. "Moxibustion" means the thermal stimulation of acupuncture points or specific body areas by utilizing the burning of the dried form of the herb, *Artemisia Vulgaris*; the heat may be applied on or above specific points or areas or on the acupuncture needle itself.

VI. "NACSCAOM" means the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine.

VII. "NCCA" means the National Certification Commission for Acupuncture and Oriental Medicine.

VIII. "Oriental medicine" means the distinct system of health care that diagnoses and treats illness, injury, pain or other conditions by controlling and regulating the flow and balance of energy to restore and maintain health.

### 328-F:3 Board Established.

I. There shall be a board of acupuncture licensing consisting of the following members:

(a) Four acupuncturists, appointed by the governor, who shall:

(1) Be NCCA certified and hold a current, valid license to practice acupuncture in another state in which licensure requirements are substantially equivalent to, or higher than, those of this state, in the case of the initial board appointees, and a current, valid license to practice under this chapter, in the case of subsequent board appointees.

(2) Have been residents of this state for at least one year immediately preceding such appointment.

(b) One public member, appointed by the governor, who shall:

(1) Be of legal age of majority.

(2) Be a resident of this state for 3 years immediately preceding such appointment.

(3) Not be, nor ever have been, a member of the acupuncture profession nor have or have had a material, financial interest in either the provision of acupuncture services or an activity directly related to acupuncture, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

II. The governor shall appoint the initial board within 6 months of passage of this chapter.

III. The terms of office shall be 3 years for all board members. The initial board appointees shall consist of one acupuncturist for a term of 3 years, one acupuncturist for a term of 2 years, 2 acupuncturists for a term of one year each, and one public member for a term of 3 years. A member may be removed from office by the governor if the governor finds the member was guilty of malfeasance, misfeasance or dishonorable conduct.

IV. There shall be no monetary liability on the part of, and no cause of action shall arise against, the members of the board, or personnel of the board, for any act done or proceeding undertaken or performed in good faith and in furtherance of the purposes of this chapter.

328-F:4 Administrative Attachment. The board of acupuncture shall be an administratively attached agency, under RSA 21-G:10, to the office of the commissioner of the department of health and human services.

328-F:5 Reimbursement; Travel. The board shall serve without pay except that each member of the board shall be reimbursed for mileage at the legislative rate for travel to and from meetings of the board and for other travel necessary to fulfill duties of the board.

328-F:6 Organization and Meetings. The board shall hold regular meetings at least semi-annually and shall give notice to its members of the time and place for holding all regular and special meetings. A quorum of the board shall consist of not less than 3 members. The board shall biennially elect a chairperson, a vice-chairperson, and a secretary from among its members.

328-F:7 Rulemaking Authority. The board shall adopt rules, under RSA 541-A, relative to:

I. Procedures and forms for application for an acupuncture license.

II. Scope of practice and fees for licenses issued or renewed under this chapter.

III. Procedures for license renewal, including continuing education requirements, testing, peer review, or other appropriate procedures, and methods to ensure compliance with such requirements.

IV. Maintaining a register of licensed acupuncturists practicing in the state.

V. Establishing and enforcing ethical and professional standards to be met by each licensee including, as necessary, requirements for proficiency in specialty practice.

VI. Maintaining a register of approved acupuncture schools.

VII. Procedures for hearings for disciplinary action under RSA 328-F:12.

VIII. The definition of acupuncture consistent with RSA 328-F:2, I.

IX. Methods for ensuring appropriate display of licenses, including, but not limited to, signs and other forms of advertising.

X. A student practicing acupuncture under the direct supervision of a licensed acupuncturist as part of a course of study approved by the board.

XI. Temporary licensure of a visiting acupuncture teacher.

XII. Other matters necessary for the proper administration of this chapter.

XIII. Establishing a schedule of administrative fines.

328-F:8 Disposition of Receipts. All moneys received by the board under this chapter shall be paid to the secretary of the board, who shall give a receipt therefor and shall, at the end of each month, report to the commissioner of the department of health and human services the total amount of money received and deposit it with the state treasurer.

328-F:9 Licensure Required; Renewal; Reissuance; Continuing Education.

I. No person shall practice acupuncture within this state without first obtaining a license from the board except physicians licensed under RSA 329 and doctors of naturopathic medicine licensed under RSA 328-E:12.

II. The board shall issue a license to any applicant who satisfies all of the following requirements:

(a) Is 21 years of age or older.

(b) Has current, active NCCA certification through examination or Credentials Documentation Review.

(c) Has successfully completed an NCCA approved Clean Needle Technique Course.

(d) Has paid the requisite fees and filed the application established by the board.

(e) Is of good moral character.

(f) Has earned a baccalaureate, registered nurse, or physician's assistant degree from an accredited institution. An applicant who possesses a current, valid license to practice acupuncture from another state who meets all other requirements of licensure may have this requirement waived at the discretion of the board.

(g) Has successfully completed a post-secondary acupuncture college program which is NACSCAOM or board approved. For one year from the date on which the first license is issued this requirement will be waived for an applicant who possesses a current, valid license to practice acupuncture in another state, provided that the applicant meets the other requirements of this chapter. After one year from the date on which the first license is issued, this requirement may only be waived at the discretion of the board. The board of acupuncture licensing will review on a case by case basis valid apprenticeship programs that demonstrate a balanced approach of clinical training and fundamental sciences and that conform to NCCA standards. In addition, all applicants who have not graduated from an accredited acupuncture school must show proof of successful completion of a college level course in anatomy and physiology.

III. Only a person licensed under this chapter or a physician licensed under RSA 329 or a doctor of naturopathic medicine licensed under RSA 328-E:12, shall hold out to members of the public that such person is practicing acupuncture, or use a title or description which suggests such, including any of the following:

- (a) C.A. or Certified Acupuncturist.
- (b) Acupuncturist.
- (c) M.D., C.A. or M.D., Certified Acupuncturist.
- (d) Any other letters or words denoting that the person practices acupuncture.

IV. Notwithstanding paragraph III, the title, "Licensed Acupuncturist", and its abbreviations, "L.Ac." or "Lic. Ac.", shall be used only by persons licensed under this chapter.

V. Whoever, not being licensed or exempted as provided in this chapter, shall advertise oneself or in any way hold oneself out as qualified to practice acupuncture, or shall practice acupuncture, or whoever does so after receiving notice that one's license has been revoked, and whoever, being licensed as provided in this chapter, shall advertise or call oneself or allow oneself to be advertised or called a physician or a doctor in such a way as to imply that such credential relates to the provision of acupuncture services, or use any physician's or doctor's insignia for such purposes shall be in violation of this chapter.

VI. Persons licensed pursuant to this chapter who engage in the practice of acupuncture without complying with this chapter shall be subject to refused renewal, limitation, revocation, or suspension of their license.

VII. Nothing in this chapter is intended to limit, interfere with, or prevent any other licensed health care professionals from practicing within the scope of their licenses as defined by each profession's New Hampshire licensing statutes, but they shall not hold themselves out to the public or any private group of business by any title or description of services that includes any of the terms in paragraphs III or IV unless they are licensed under this chapter, RSA 329, or RSA 328-E:12.

VIII. Notwithstanding any other provisions of law to the contrary, those health care professionals licensed under RSA 316-A who are practicing acupuncture as of the effective date of this chapter may petition the board for an exemption to the licensure requirements of this chapter. The board shall consider the educational qualifications and the clinical experience of those individuals licensed under RSA 316-A seeking exemption to the licensure requirements of this chapter.

IX. All licenses issued by the board shall be valid for 2 years from the date of issuance and shall be renewed biennially or reissued pursuant to rules adopted and fees established by the board.

X. As a condition of renewal of license, the board shall require each licensee to show proof of having completed in each biennial period 30 continuing education units at approved institutions or as approved by the board. Maintaining continuous NCCA certification shall fulfill the continuing education requirement as long as NCCA certification continues to require at least 30 Professional Development Activity points in each biennium.

#### 328-F:10 Scope of Practice.

I. Under this chapter the scope of practice of acupuncture shall include the allied techniques and modalities of oriental medicine, both traditional and modern. The scope of practice shall include: diagnostic procedures; electrical and magnetic stimulation; moxibustion and other forms of heat therapy; cupping and scraping techniques; dietary, nutritional, and herbal therapies; and lifestyle counseling.

II. Notwithstanding paragraph I, the scope of practice may be further defined by the board in accordance with RSA 541-A.

III. Nothing in this section is intended to limit, interfere with, or prevent any other health care professionals from practicing within their defined scopes of practice.

IV. Needles used in acupuncture practice shall be sterile, disposable, one-use needles.

#### 328-F:11 Powers and Duties of the Board.

I. The board shall:

- (a) Insure that licensed acupuncturists serving the public meet minimum standards of proficiency and competency to protect the health, safety, and welfare of the public.
- (b) Administer and enforce all provisions of this chapter, which pertain to licensees and applicants, and all rules adopted by the board under the authority granted in this chapter.
- (c) Maintain an accurate account of all receipts, expenditures, and refunds granted under this chapter.

- (d) Maintain a record of its acts and proceedings, including the issuance, refusal, suspension, or revocation of licenses.
- (e) Maintain a roster of all acupuncturists licensed under this chapter which indicates:
  - (1) The name of the licensee.
  - (2) Current professional office address.
  - (3) The date of issuance and the number of the licensee's license.
  - (4) Whether the licensee is in good standing.
- (f) Keep all applications for licensure as a permanent record.
- (g) Maintain a permanent record of the results of all examinations it gives.
- (h) Keep all examination records including written examination records and tape recordings of the questions and answers in oral examinations.
- (i) Keep the records of the board open to public inspection at all reasonable times.
- (j) Adopt and use a seal, the imprint of which, together with the signatures of the chairperson or vice-chairperson and the secretary-treasurer of the board, shall evidence its official acts.
- (k) Annually compile and publish a directory.

II. The board may appoint qualified personnel to administer any part or all of any examinations provided for under this chapter.

III. The board shall have the power to subpoena witnesses and administer oaths in any hearing or disciplinary proceedings, and to compel, by subpoena duces tecum, the production of papers and records.

IV. Witnesses summoned before the board shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons shall have the same effect as though issued for appearance before such court.

V. At the same time the board files the text of a proposed rule with the director of legislative services under RSA 541-A:10, the board shall provide the commissioner of the department of health and human services with a copy of the text of the proposed rule. The commissioner shall monitor the rulemaking of the board to ensure that all rules are:

- (a) Consistent with the provisions of RSA 541-A;
- (b) Consistent with the specific statutory authority under which they are adopted;
- (c) Consistent with other statutes; and
- (d) Consistent with rules adopted by any board, commission, or agency.

VI. If the commissioner determines that a rule proposed for adoption is not consistent with the criteria established in paragraph V of this section, the commissioner shall notify the board in writing and the board shall take corrective action.

#### 328-F:12 Disciplinary Actions.

I. The board may undertake disciplinary proceedings:

- (a) Upon its own initiative; or
- (b) Upon written complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II and which specifies the grounds for the misconduct.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

- (a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter.
- (b) Conviction of any crime which demonstrates unfitness to practice acupuncture.
- (c) Violation of the standards adopted under RSA 328-F:7, V.
- (d) Demonstrable gross incompetence of the licensee.
- (e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under this chapter.
- (f) A legal finding of mental incompetence.
- (g) Willful or repeated violation of the provisions of this chapter.
- (h) Suspension or revocation without subsequent reinstatement of a license, similar to one issued under this chapter, in another jurisdiction.

III.(a) The board may take disciplinary action in any one or more of the following ways:

- (1) By public or private reprimand.
- (2) By suspension, limitation, or restriction of license.
- (3) By revocation of license.

By assessing administrative fines in amounts established by the board which shall not exceed \$2000 per offense, or in the case of a continuing offense, \$250 for each day the violation continues.

(b) Disciplinary action taken under this paragraph may be ordered by the board in a decision made after a hearing in the manner provided by the rules adopted by the board and reviewed in accordance with RSA 541.

(c) No person licensed under this chapter shall continue to practice acupuncture while the person's license is suspended or revoked.

328-F:13 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

328-F:14 Penalties. It shall be a class B misdemeanor for any person to violate RSA 328-F:9.

328-F:15 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

Adopted.

Majority report adopted and ordered to third reading.

**HB 469**, relative to the rules of the board of dental examiners. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill is a housekeeping bill which expands the scope of activity to allow, under a temporary license, voluntary dental and dental hygiene services. It requires that in all types of dental practices, there will be only licensed dentists that can practice dentistry and only licensed dental hygienists that can practice dental hygiene. This bill also clarifies the type of permits involving anesthesia, and the requirements for reporting by the professional liability insurers to the board on action of dental injury within 30 days after the initial action. Vote 18-0.

#### Amendment (0473h)

Amend the bill by replacing all after section 3 with the following:

3 General Anesthesia, Deep Sedation, or Conscious Sedation. Amend RSA 317-A:12, XII-a(e) to read as follows:

(e) The issuance of permits for use of general anesthesia, deep sedation, and conscious sedation, *or of permits for use of conscious sedation*; [and]

4 Board Investigation Authority; Requirements for Professional Liability Insurers Added. Amend RSA 317-A:17, V to read as follows:

*V.(a) Every insurer, including self-insurers, providing professional liability insurance to a licensee of the board shall send a complete report to the board as to all reservable claims and suits coincident with the initiation of an action for dental injury within 30 days after the initiation of the action. For the purpose of this paragraph, dental injury means any adverse, untoward, or undesired consequences arising out of or sustained in the course of professional services rendered by a dental care provider, whether resulting from negligence, error, or omission in the performance of such services; from rendition of such services without informed consent or in breach of warranty or in violation of contract; from failure to diagnose; from premature abandonment of a patient or of a course of treatment; from failure properly to maintain equipment or appliances necessary to the rendition of such services; or otherwise arising out of or sustained in the course of such services.*

(b) The board shall conduct an investigation of any person licensed by the board who has been the subject of 3 insurance claims or legal judgments for medical injury as defined in RSA 329:17, III, which pertain to 3 different events within any consecutive 5-year period commencing with January 1, 1988.

5 Permit for General Anesthesia, Deep Sedation, or Conscious Sedation. Amend RSA 317-A:20, II to read as follows:

II. Any dentist who wishes to administer general anesthesia, deep sedation, ~~and~~ **or** conscious sedation shall apply to the board for ~~a~~ **the appropriate** permit and pay an application fee set by the board in accordance with RSA 317-A:12, XII-a.

6 Technical Correction. Amend RSA 317-A:20, IV to read as follows:

IV. Such things as the board shall determine to be "dental hygiene" under ~~sections~~ RSA 317-A:12 or RSA 317-A:21 shall not be deemed to be the practice of dentistry within the meaning of this section.

7 Reference to Dental Hygienists. Amend RSA 317-A:21, II to read as follows:

II. Applications for licensure **as a dental hygienist** shall be made to the board in writing and shall be accompanied by a fee established by the board and by satisfactory proof that the applicant is a graduate of a school of dental hygiene with a minimum of a 2-year program in an institution of higher education, the program of which is accredited by a national accrediting agency recognized by the United States Department of Education and the American Dental Association Commission of Dental Accreditation.

8 Only Licensed Persons May Practice. Amend RSA 317-A:28 to read as follows:

317-A:28 ~~[Assistants; Qualifications]~~ **Unlicensed Persons Prohibited.** ~~[No]~~ A manager, proprietor, partnership, association, or corporation owning, ~~[operating]~~ **managing**, or controlling any place where dental work is done, provided or contracted for shall employ, keep, or retain ~~[any unlicensed person or dentist as an operator]~~ **only licensed dentists to practice dentistry and licensed dental hygienists to practice dental hygiene.**

9 List of Dentists and Assistants. Amend RSA 317-A:29 to read as follows:

317-A:29 List of ~~Assistants~~ **Dentists and Dental Hygienists.** Any manager, proprietor, partnership, association, or corporation specified in RSA 317-A:28 shall, within 10 days after demand made by the secretary-treasurer of the board by registered mail, furnish to the secretary-treasurer the names and addresses of all persons practicing ~~[or assisting in the practice of]~~ dentistry **or dental hygiene** in ~~his~~ **their** or its place of business or under ~~his~~ **their** or its control, together with a sworn statement showing by what license or authority said persons are practicing.

10 Effective Date. This act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill:

I. Expands the scope of activity allowed under temporary licenses to include voluntary dental or dental hygiene services.

II. Requires all insurers providing professional liability insurance to dental licensees to send a report to the board as to all reservable claims and suits coincident with the initiation of an action for dental injury within 30 days after the initiation of the action. The bill defines dental injury.

III. Requires all persons who act as dental hygienists to be licensed.

Adopted.

Report adopted and ordered to third reading.

**HB 632-L**, relative to changing the membership of the water well board and relative to board procedures in refusing, suspending, or revoking licenses. **OUGHT TO PASS WITH AMENDMENT** Rep. Merton S. Dyer for Executive Departments and Administration: This bill, as amended, adds the expertise of water well drillers and technical drillers to the water council at the department of environmental services while keeping all existing rules and regulations, relative to water well drilling and technical drilling in place. By repeating references to the water well board, department of environmental services and the water council will be responsible for hearing all appeals and for writing future rules. Of greatest significance HB 632, as amended, is good consumer protection legislation because the public's ability to bring complaints is made easier. Vote 18-0.

### Amendment (0606h)

Amend the title of the bill by replacing it with the following:

**AN ACT** abolishing the water well board and transferring its authority to the department of environmental services.

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Deleted. Amend RSA 21-O:3, IV to read as follows:

IV. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuance or granting of federal funds or other assistance intended to promote the administration of this chapter, not otherwise provided for by law, and to adopt all rules necessary to implement the specific statutes administered by the department or by any division or unit within the department, whether the rulemaking authority delegated by the legislature is granted to the commissioner, the department, or any administrative unit or subordinate official of the department. The ~~[water well board and the]~~ state board for the licensing and regulation of plumbers shall be exempt from the rulemaking provisions described in this section.

2 Water Well Contractor and Technical Driller Added to Water Council. Amend RSA 21-O:7, I to read as follows:

I. There is established a water council which shall consist of ~~[+6]~~ **18** members:

(a) ~~[Eleven]~~ **Thirteen** of the members shall be public members appointed by the governor, with the consent of the council, who shall serve for terms of 4 years. Of these members, 2 shall represent the industrial interests of the state; one shall represent the vacation home or private recreational interests of the state; one shall represent the agricultural interests of the state; one shall be an employee of any municipal or privately-owned waterworks in the state; one shall be a representative of the septage hauling industry, nominated by the New Hampshire Association of Septage Haulers; one shall be a member of a statewide nonprofit conservation or environmental organization; one shall be a treatment plant operator; ~~[and]~~ one shall be a designer or installer of septic systems, nominated by the Granite State Designers and Installers Association; **one shall be a licensed water well contractor, and one shall be a licensed technical driller.** The 2 remaining members shall be appointed and commissioned respectively as the ~~[chairman]~~ **chairperson** and vice ~~[chairman]~~ **chairperson** of the council;

(b) The remaining 5 members shall include:

- (1) The commissioner of the department of health and human services ;
- (2) The executive director of fish and game;
- (3) The director of parks and recreation;
- (4) The director of the office of state planning; and
- (5) The commissioner of safety.

3 Chapter Title Changed. The chapter title of RSA 482-B is repealed and reenacted to read as follows:

### WATER WELL CONSTRUCTION

4 Reference Deleted. Amend RSA 482-B:1 to read as follows:

482-B:1 Purpose. The purpose of this chapter is to protect and improve the general health and welfare of the people of the state of New Hampshire; to protect the groundwater resources of the state; to regulate the construction of water wells and the installation of well pumps; to license water well contractors and well pump installers; to provide well and pump records~~[-to create a water well board];~~ and to provide for penalties for violations of this chapter.

5 Reference Changed. Amend RSA 482-B:2, I to read as follows:

I. ~~["Board"]~~ **"Commissioner"** means the *commissioner of the* ~~[New Hampshire water well board established under RSA 482-B]~~ **department of environmental services.**

6 New Paragraph; Definition Added. Amend RSA 482-B:2 by inserting after paragraph I the following new paragraph:

I-a. "Department" means the department of environmental services.

7 Board Changed to Commissioner. Amend the introductory paragraph of RSA 482-B:4 to read as follows:

482-B:4 Rulemaking. The ~~[water well board]~~ **commissioner** shall adopt rules under RSA 541-A relative to:

8 Board Changed to Program. Amend RSA 482-A:4, VI to read as follows:

VI. The establishment of all fees required under this chapter at rates which will make the ~~[board]~~ **program** self-supporting.

9 Appeals. Amend RSA 482-B:9, III to read as follows:

III. Appeal from a decision of the ~~[board]~~ **department** may be made in accordance with RSA ~~[541:]~~ **21-O:14.**

10 Reference Changed From Board to Commissioner. Amend RSA 482-A:15 to read as follows:

482-B:15 Maintenance and Repair of Wells and Pumps. All wells shall be maintained in a proper condition to conserve and protect groundwater resources and shall not be a source or cause of contamination or pollution of the water supply of any aquifer. All materials and construction practices used in the construction of a new well or new pump installation or in the maintenance, repair, or replacement of any well or pump installation shall conform with rules adopted by the [board] *commissioner*. All maintenance and repair work shall be done only by a licensed water well contractor, licensed pump installer, licensed plumber or licensed electrician.

11 References Changed. Amend the following RSA provisions by replacing "board" or "water well board" with "department": RSA 482-B:5, II, III, IV; 482-B:6; 482-B:8; 482-B:9, I, II; 482-B:10; 482-B:13; 482-B:16, II, III; and 482-B:17.

12 Transfer of Funds and Records. All funds allocated to the water well board and all records held by the water well board shall be transferred to the department of environmental services upon the effective date of this act.

13 Rules of the Water Well Board. Rules adopted by the water well board prior to the effective date of this act shall remain in effect until expiration or until amended or repealed by the department of environmental services. All references in such rules to the water well board shall be deemed to refer to the department of environmental services.

14 Repeal. RSA 482-B:3, relative to the water well board, is repealed.

15 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill abolishes the water well board and transfers its authority to the department of environmental services. This bill also adds members to the water council.

Adopted.

Report adopted and ordered to third reading.

**HB 639**, relative to the term of office of any person appointed by the governor and council between a general election and the expiration of the term of a governor who was not reelected. IN-EXPEDIENT TO LEGISLATE

Rep. Sylvia A. Holley for Executive Departments and Administration: The committee was not convinced that this bill would improve or correct any perceived abuses by governors with appointments, between the election and the beginning of the next term. With the concurrence of the governor's council required for appointment, and public disclosure required prior to nomination, there are checks and balances in place. Therefore, it was felt this legislation was not necessary at the time. Vote 14-5.

Adopted.

**HB 470**, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. OUGHT TO PASS

Rep. Barbara French for Health, Human Services and Elderly Affairs: This bill would remove the prescription requirement to purchase syringes and it decriminalizes the possession of syringes. The Centers for disease Control (CDC) considers access to sterile syringes critical in the slowing of the spread of the HIV virus. New Hampshire is one of only 9 states that require such a prescription. This bill is supported by the Dept. of Health and Human Services, the New Hampshire Medical society, and former U.S. Surgeon General C. Everett Koop. In addition it is the clear intent of this committee that nothing in this bill will affect the re-imbursement for needles and syringes by insurance carriers upon a written order of a physician. Vote 14-4.

Reps. Boyce, Cobbin and Ferguson spoke against and yielded to questions.

Rep. Copenhagen spoke in favor and yielded to questions.

Reps. Rollo and Emerton spoke in favor.

Rep. Ferguson requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 211 NAYS 143****YEAS 211****BELKNAP**

|                |                   |                    |                |
|----------------|-------------------|--------------------|----------------|
| Clark, Charles | Rice, Thomas, Jr. | Salatiello, Thomas | Ziegler, Alice |
|----------------|-------------------|--------------------|----------------|

**CARROLL**

|              |                        |                |             |
|--------------|------------------------|----------------|-------------|
| Bradley, Jeb | Dickinson, Howard, Jr. | Foster, Robert | Mock, Henry |
|--------------|------------------------|----------------|-------------|

**CHESHIRE**

|                   |                     |                 |                    |
|-------------------|---------------------|-----------------|--------------------|
| Avery, Stephen    | Bonneau, Sarah      | Burnham, Daniel | Champagne, Richard |
| DePecol, Benjamin | Doucette, Richard   | Hunt, John      | Lynch, Margaret    |
| Lynott, Margaret  | McGuirk, Paul       | Meador, David   | Metzger, Katherine |
| Pratt, John       | Richardson, Barbara | Riley, William  | Robertson, Timothy |
| Royce, H. Charles | Russell, Ronald     | Smith, Edwin    |                    |

**COOS**

|                  |                 |                  |                 |
|------------------|-----------------|------------------|-----------------|
| Bradley, Paula   | Coulombe, Henry | Coulombe, Yvonne | Davis, Perley   |
| Hawkinson, Marie | Horton, Lynn    | Mears, Edgar     | Moynihan, Wayne |

**GRAFTON**

|                    |                  |                    |                    |
|--------------------|------------------|--------------------|--------------------|
| Akins, Ralph       | Alger, John      | Almy, Susan        | Below, Clifton     |
| Copenhaver, Marion | Eaton, Stephanie | Guaraldi, Lawrence | Guest, Robert      |
| Ham, Bonnie        | Hill, Richard    | LaMott, Paul       | Lovett, Sidney     |
| MacNeil, Allen     | Mirski, Paul     | Nordgren, Sharon   | Teschner, Douglass |
| Trelfa, Richard    |                  |                    |                    |

**HILLSBOROUGH**

|                            |                  |                     |                        |
|----------------------------|------------------|---------------------|------------------------|
| Ackerman, Philip           | Allen, W. Gordon | Alukonis, David     | Amidon, Eleanor        |
| Arnold, Thomas, Jr.        | Asselin, Robert  | Barry, William, III | Bernier, Shannon       |
| Briefs, Geoffrey           | Buckley, Raymond | Cardin, Lori        | Carney, Lauren         |
| Chabot, Robert             | Clay, Susan      | Clemons, Jane       | Cote, David            |
| Cote, Peter                | Daigle, Robert   | Dawe, Eileen        | Dokmo, Cynthia         |
| Drabinowicz, A. Theresa    | Durham, Susan    | Dyer, Merton        | Emerton, Lawrence, Sr. |
| Fields, Dennis             | Foster, Joseph   | Foster, Linda       | Gage, Ruth             |
| Gagnon, Eugene             | Ginsburg, Ruth   | Golding, William    | Gosselin, Gerald       |
| Haettenschwiller, Alphonse | Hall, Betty      | Hart, Nick          | Holden, Carol          |
| Holt, David                | Jean, Claudette  | Kurk, Neal          | Leonard, Peter         |
| Lozeau, Donnalee           | MacAuslan, Rita  | MacIntyre, Doris    | Martin, Mary           |
| McCarthy, William          | McCarty, Winston | Mercer, Robert      | Messier, Irene         |
| Milligan, Robert           | O'Hearn, Jane    | Perkins, Paul       | Peterson, Andrew       |
| Reidy, Frank               | Sargent, Maxwell | Vaillancourt, Steve | Welch, Donald          |
| White, Jay                 | Williams, Carol  |                     |                        |

**MERRIMACK**

|                 |                    |                   |                    |
|-----------------|--------------------|-------------------|--------------------|
| Burney, Carol   | Crosby, Toni       | Daneault, Gabriel | DeStefano, Stephen |
| Dunn, Miriam    | Feuerstein, Martin | Fraser, Marilyn   | French, Barbara    |
| Gile, Mary      | Hager, Elizabeth   | Hess, David       | Jacobson, Alf      |
| Lamach, Bernard | Lockwood, Robert   | Moore, Carol      | Nichols, Avis      |
| Owen, Derek     | Reardon, Tara      | Seldin, Gloria    | St. Cyr, Gerard    |
| Wallin, Jean    | Wallner, Mary Jane | Whittemore, James | Yeaton, Charles    |

**ROCKINGHAM**

|                          |               |                    |                   |
|--------------------------|---------------|--------------------|-------------------|
| Battles-Peirce, Marjorie | Beaulieu, Jon | Blanchard, MaryAnn | Case, Margaret    |
| Christie, Andrew, Jr.    | Clark, Martha | Coes, Betsy        | Cushing, Robert   |
| Dowling, Patricia        | Dube, LeRoy   | Francoeur, Sheila  | Frechette, Joseph |

Gibbons, Paul  
Kane, Cecelia  
Kobel, Rudolph  
McGovern, Cynthia  
Noyes, Richard  
Stritch, C. Donald  
Woods, Deborah

Heath, John  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Pantelakos, Laura  
Syracusa, Anthony

Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langone, John  
Micklon, Stephanie  
Sabella, Norma  
Tufts, J. Arthur

Johnson, Robert  
Kelley, Jane  
McCarthy, John, Jr.  
Norelli, Terie  
Schanda, Frank  
Weatherspoon, Jackie

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hilliard, Dana  
Lundborn, Raymond  
Musier, George  
Rollo, Michael  
Sullivan, Henry  
Vachon, Dennis

Bickford, David  
Dunlap, Patricia  
Kaen, Naida  
McCann, William, Jr.  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Ann  
Wall, Janet

Brennan, William  
Estabrook, Iris  
Keans, Sandra  
Merrill, Amanda  
Pelletier, Marsha  
Snyder, Clair  
Torr, Franklin

Brown, Julie  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Rogers, Rose Marie  
Spear, Barbara  
Twardus, Joseph

### SULLIVAN

Burling, Peter  
Krueger, Richard  
Schotanus, Merle

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

Donovan, Thomas  
Lindblade, Eric

Flint, Gordon  
Palmer, Lorraine

### NAYS 143

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Lawton, Robert

Boriso, Thomas  
Hurt, George  
Rosen, Ralph

Boyce, Robert  
Lafam, Robert  
Thomas, John

Golden, Paul  
Lawton, David  
Turner, Robert

### CARROLL

Babson, David, Jr.  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L. Randy

Cooper, Kipp  
MacDonald, Kenneth

Howard, Godfrey  
Patten, Betsey

### CHESHIRE

McNamara, Wanda

Steere, Myron, III

### COOS

Guay, Lawrence  
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

St. Hilaire, Paul

### GRAFTON

Cobbin, Philip  
Weber, Phil

Hinman, Harry  
Williams, William, Jr.

Phinney, William

Root, John

### HILLSBOROUGH

Batula, Peter  
Brundige, Robert  
Christiansen, Lars  
Fenton, James  
Hansen, Herbert  
Jean, Loren  
LaRose, Richard  
Letendre, Evelyn  
McDonald, James, Sr.  
Murch, George  
Riley, Frances  
Wheeler, Robert

Belvin, William  
Burke, M. Virginia  
D'Allesandro, Lou  
Ferguson, Charles  
Herman, Keith  
Johnson, Lionel  
Lefebvre, Roland  
Luebker, Bernard  
McGough, Tim  
Murphy, Robert  
Searles, Stanley, Sr.  
White, Donald

Bergin, Peter  
Calawa, Leon, Jr.  
Daniels, Gary  
Flora, Kathleen  
Holley, Sylvia  
Kelley, Robert  
Leishman, Peter  
MacGillivray, Jeffrey  
Melcher, Harold  
Pepino, Leo  
Thulander, O. Alan  
Wright, George

Boutin, David  
Carlson, Donald  
Desrosiers, William  
Goulet, Maurice  
Hunter, Bruce  
L'Heureux, Robert  
Lessard, Rudy  
Marcinkowski, Michael  
Mittelman, David  
Piteri, Dawn  
Turgeon, Roland

**MERRIMACK**

Adams, Stephen  
Crowell, Peter  
Larrabee, David  
Maxfield, Roy

Anderson, Eric  
Hoadley, Elizabeth  
Lavoie, Gerard  
Morrill, Olive

Brown, Mary  
Krueger, Patricia  
Leber, William  
Pfaff, Terence

Chandler, Earle  
Langer, Ray  
Marshall, Kenneth  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Carson, Gregory  
Dodge, Robert  
Dunham, Vivian  
Flanders, John, Sr.  
Klemm, Arthur, Jr.  
Malcolm, Kenneth  
Morris, Debbie  
Simmons, John Anthony  
Varrell, Thomas

Belanger, Ronald  
Cegelis, Mark  
Dolan, Richard  
Fesh, Robert  
Gleason, John  
Letourneau, Robert  
Mikowski, Walter  
Nowe, Ronald  
Smith, Kevin  
Vaughn, Charles

Bishop, Franklin  
Cooney, Richard  
Dowd, Sandra  
Flanagan, Natalie  
Griffin, Mary  
Lovejoy, Marian  
Millard, Ralph  
Raynowska, Bernard  
Stickney, Nancy  
Welch, David

Camm, Kevin  
Dearborn, Bruce  
Downing, Michael  
Flanders, David  
Henderson, Warren  
Major, Norman  
Moore, Benjamin  
Reardon, Neil  
Stone, Joseph  
Weyler, Kenneth

**STRAFFORD**

Callaghan, Frank

Hemon, Roland

McKinley, Robert

Tsiros, William

**SULLIVAN**

Adler, Rudolf

Ferland, Brenda

and the report was adopted.  
Ordered to third reading.

**SPECIAL ORDERS****LAID ON THE TABLE**

Reps. Wheeler and Burling moved that **HB 660**, adding the name of Martin Luther King, Jr. to Civil Rights Day, be laid upon the table.  
Adopted.

**SB 157**, adding the name of Martin Luther King, Jr. to Civil Rights Day. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: The committee voted unanimously to support this bill as amended. The amendment represents an attempt to produce an amended bill which honors an inspirational national leader, an important New Hampshire participant in the struggle for civil rights and recognizes the contributions of all individuals who have worked for civil rights. Current law is being amended to read "the third Monday in January, designated as Civil Rights Day, to honor Martin Luther King, Jr., Jonathan M. Daniels, and all individuals who have worked for civil rights in this nation". Vote 20-0.

**Amendment (0728h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** designating Civil Rights Day to honor all individuals who have worked for civil rights in this nation.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. In recognition of all efforts to help our nation achieve its highest ideals, in recognition of the struggle to achieve democratic rights for all Americans, and in recognition of individuals who served as symbols of the ongoing struggle for liberty and equality, it is the intent of the general court that a civil rights day honoring all individuals who have worked for civil rights in this nation serve as a time for New Hampshire residents to reflect on the principles of equality and nonviolent social change and to rededicate themselves to the ideals of freedom and justice.

2 Civil Rights Day Changed to Honor Certain Individuals. Amend RSA 288:1 to read as follows:

288:1 Holidays. January 1; the third Monday in January, [known] *designated* as Civil Rights Day, *to honor Martin Luther King, Jr., Jonathan M. Daniels, and all individuals who have*

*worked for civil rights in this nation*; the third Monday in February, known as Washington's Birthday; the last Monday in May, known as Memorial Day or, on a date to coincide with the federal observance if it is held on a different day; July 4, known as Independence Day; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; the day on which the biennial election is held; November 11, known as Veterans Day; Thanksgiving Day, whenever appointed; and Christmas Day are legal holidays.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill designates Civil Rights Day to honor Martin Luther King, Jr., Jonathan M. Daniels, and all individuals who have worked for civil rights in this nation.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

**YEAS 165 NAYS 188**

**YEAS 165**

**BELKNAP**

|                  |               |                |                |
|------------------|---------------|----------------|----------------|
| Bartlett, Gordon | Boyce, Robert | Clark, Charles | Laflam, Robert |
| Lawton, Robert   | Ziegra, Alice |                |                |

**CARROLL**

|                 |                |                 |                        |
|-----------------|----------------|-----------------|------------------------|
| Bradley, Jeb    | Chandler, Gene | Cooper, Kipp    | Dickinson, Howard, Jr. |
| Howard, Godfrey | Kenney, Joseph | Lyman, L. Randy | MacDonald, Kenneth     |
| Mock, Henry     | Patten, Betsey |                 |                        |

**CHESHIRE**

|                   |                    |                    |             |
|-------------------|--------------------|--------------------|-------------|
| Avery, Stephen    | Champagne, Richard | Doucette, Richard  | Hunt, John  |
| McGuirk, Paul     | McNamara, Wanda    | Metzger, Katherine | Pratt, John |
| Royce, H. Charles | Smith, Edwin       | Steere, Myron, III |             |

**COOS**

|                   |                  |                 |                 |
|-------------------|------------------|-----------------|-----------------|
| Guay, Lawrence    | Horton, Lynn     | Merrill, Gerald | Pratt, Leighton |
| St. Hilaire, Paul | Tholl, John, Jr. |                 |                 |

**GRAFTON**

|               |                    |                  |               |
|---------------|--------------------|------------------|---------------|
| Alger, John   | Almy, Susan        | Eaton, Stephanie | Hill, Richard |
| Hinman, Harry | Lovett, Sidney     | MacNeil, Allen   | Mirski, Paul  |
| Root, John    | Teschner, Douglass | Trelfa, Richard  | Weber, Phil   |

**HILLSBOROUGH**

|                     |                        |                   |                       |
|---------------------|------------------------|-------------------|-----------------------|
| Alukonis, David     | Amidon, Eleanor        | Asselin, Robert   | Barry, William, III   |
| Belvin, William     | Bergin, Peter          | Bernier, Shannon  | Briefs, Geoffrey      |
| Burke, M. Virginia  | Carlson, Donald        | Carney, Lauren    | Clay, Susan           |
| Clemons, Kevin, Sr. | Daniels, Gary          | Dokmo, Cynthia    | Durham, Susan         |
| Dyer, Merton        | Emerton, Lawrence, Sr. | Ferguson, Charles | Flora, Kathleen       |
| Foster, Joseph      | Gagnon, Eugene         | Golding, William  | Gosselin, Gerald      |
| Goulet, Maurice     | Herman, Keith          | Holden, Carol     | Hunter, Bruce         |
| Jean, Loren         | Kelley, Robert         | Kurk, Neal        | LaRose, Richard       |
| Leishman, Peter     | Letendre, Evelyn       | Lozeau, Donnalee  | MacGillivray, Jeffrey |
| McGough, Tim        | Melcher, Harold        | Mercer, Robert    | Murphy, Robert        |
| O'Hearn, Jane       | Pepino, Leo            | Peterson, Andrew  | Piteri, Dawn          |
| Sargent, Maxwell    | Wheeler, Robert        | White, Donald     |                       |

**MERRIMACK**

|                 |                |                    |                    |
|-----------------|----------------|--------------------|--------------------|
| Adams, Stephen  | Anderson, Eric | Dunn, Miriam       | Feuerstein, Martin |
| French, Barbara | Hess, David    | Hoadley, Elizabeth | Krueger, Patricia  |

Lamach, Bernard  
Lockwood, Robert  
Whalley, Michael

Langer, Ray  
Marshall, Kenneth  
Whittemore, James

Lavoie, Gerard  
Nichols, Avis

Leber, William  
Seldin, Gloria

## ROCKINGHAM

Arndt, Janet  
Cegelis, Mark  
Dodge, Robert  
Fesh, Robert  
Henderson, Warren  
Klemm, Arthur, Jr.  
Letourneau, Robert  
Mikowski, Walter  
Noyes, Richard  
Varrell, Thomas

Battles-Peirce, Marjorie  
Christie, Andrew, Jr.  
Dolan, Richard  
Flanders, David  
Hutchinson, Rebecca  
Kobel, Rudolph  
Lovejoy, Marian  
Moore, Benjamin  
Stickney, Nancy  
Weyler, Kenneth

Beaulieu, Jon  
Cooney, Richard  
Dowd, Sandra  
Francoeur, Sheila  
Johnson, Robert  
Langley, Jane  
Malcolm, Kenneth  
Morris, Debbie  
Stone, Joseph  
Woods, Deborah

Case, Margaret  
Dearborn, Bruce  
Dunham, Vivian  
Heath, John  
Kane, Cecelia  
Langone, John  
Micklon, Stephanie  
Nowe, Ronald  
Tufts, J. Arthur

## STRAFFORD

Bickford, David  
Hilliard, Dana  
Musler, George  
Wall, Janet

Brennan, William  
Kaen, Naida  
Rogers, Rose Marie

Brown, Julie  
McKinley, Robert  
Torr, Ann

Grassie, Anne  
Merrill, Amanda  
Torr, Franklin

## SULLIVAN

Burling, Peter

Flint, Gordon

Leone, Richard

## NAYS 188

## BELKNAP

Boriso, Thomas  
Rice, Thomas, Jr.  
Turner, Robert

Golden, Paul  
Rosen, Ralph

Holbrook, Robert  
Salatiello, Thomas

Hurt, George  
Thomas, John

## CARROLL

Babson, David, Jr.

Foster, Robert

Philbrick, Donald

## CHESHIRE

Bonneau, Sarah  
Lynott, Margaret  
Robertson, Timothy

Burnham, Daniel  
Meador, David  
Russell, Ronald

DePecol, Benjamin  
Richardson, Barbara

Lynch, Margaret  
Riley, William

## COOS

Bradley, Paula  
Hawkinson, Marie

Coulombe, Henry  
Mears, Edgar

Coulombe, Yvonne  
Moynihan, Wayne

Davis, Perley

## GRAFTON

Akins, Ralph  
Guaraldi, Lawrence  
Phinney, William

Below, Clifton  
Guest, Robert  
Williams, William, Jr.

Cobbin, Philip  
Ham, Bonnie

Copenhaver, Marion  
Nordgren, Sharon

## HILLSBOROUGH

Ackerman, Philip  
Boutin, David  
Cardin, Lori  
Cote, David  
Dawe, Eileen  
Fields, Dennis  
Hall, Betty  
Holt, David

Allen, W. Gordon  
Brundige, Robert  
Chabot, Robert  
Cote, Peter  
Desrosiers, William  
Foster, Linda  
Hansen, Herbert  
Jean, Claudette

Arnold, Thomas, Jr.  
Buckley, Raymond  
Christiansen, Lars  
D'Allesandro, Lou  
Drabinowicz, A. Theresa  
Gage, Ruth  
Hart, Nick  
Johnson, Lionel

Batula, Peter  
Calawa, Leon, Jr.  
Clemons, Jane  
Daigle, Robert  
Fenton, James  
Ginsburg, Ruth  
Holley, Sylvia  
L'Heureux, Robert

Lefebvre, Roland  
MacAuslan, Rita  
McCarthy, William  
Milligan, Robert  
Reidy, Frank  
Turgeon, Roland  
Williams, Carol

Leonard, Peter  
MacIntyre, Doris  
McCarty, Winston  
Mittelman, David  
Riley, Frances  
Vaillancourt, Steve  
Wright, George

Lessard, Rudy  
Marcinkowski, Michael  
McDonald, James, Sr.  
Murch, George  
Searles, Stanley, Sr.  
Welch, Donald

Luebker, Bernard  
Martin, Mary  
Messier, Irene  
Perkins, Paul  
Thulander, O. Alan  
White, Jay

### MERRIMACK

Brown, Mary  
Crowell, Peter  
Gile, Mary  
Maxfield, Roy  
Pfaff, Terence  
Wallin, Jean

Burney, Carol  
Daneault, Gabriel  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Chandler, Earle  
DeStefano, Stephen  
Jacobson, Alf  
Morrill, Olive  
Rogers, Katherine  
Yeaton, Charles

Crosby, Toni  
Fraser, Marilyn  
Larrabee, David  
Owen, Derek  
St. Cyr, Gerard

### ROCKINGHAM

Belanger, Ronald  
Carson, Gregory  
Dowling, Patricia  
Flanders, John, Sr.  
Griffin, Mary  
Major, Norman  
Millard, Ralph  
Reardon, Neil  
Smith, Kevin  
Weatherspoon, Jackie

Bishop, Franklin  
Clark, Martha  
Downing, Michael  
Frechette, Joseph  
Katsakiores, George  
McCarthy, John, Jr.  
Norelli, Terie  
Sabella, Norma  
Stritch, C. Donald  
Welch, David

Blanchard, MaryAnn  
Coes, Betsy  
Dube, LeRoy  
Gibbons, Paul  
Katsakiores, Phyllis  
McGovern, Cynthia  
Pantelakos, Laura  
Schanda, Frank  
Syracusa, Anthony

Camm, Kevin  
Cushing, Robert  
Flanagan, Natalie  
Gleason, John  
Kelley, Jane  
McKinney, Betsy  
Raynowska, Bernard  
Simmons, John Anthony  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
Estabrook, Iris  
Lundborn, Raymond  
Pelletier, Marsha  
Spear, Barbara  
Vachon, Dennis

Callaghan, Frank  
Hemon, Roland  
McCann, William, Jr.  
Rollo, Michael  
Sullivan, Henry

DeChane, Marlene  
Keans, Sandra  
Merritt, Deborah  
Smith, Marjorie  
Tsiros, William

Dunlap, Patricia  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Twardus, Joseph

### SULLIVAN

Adler, Rudolf  
Krueger, Richard  
Wiggins, Celestine

Cloutier, John  
Lindblade, Eric

Donovan, Thomas  
Palmer, Lorraine

Ferland, Brenda  
Schotanus, Merle

and the amendment failed.

Rep. Jeb Bradley offered a floor amendment.

### Floor Amendment (0769h)

Amend the bill by replacing section 2 with the following:

2 Civil Rights Day Changed to Martin Luther King, Jr. Civil Rights Day. Amend RSA 288:1 to read as follows:

288:1 Holidays. January 1; the third Monday in January, known as *Martin Luther King, Jr. Civil Rights Day*, honoring *Jonathan M. Daniels and all individuals who have worked for civil rights in this nation*; the third Monday in February, known as Washington's Birthday; the last Monday in May, known as Memorial Day or, on a date to coincide with the federal observance if it is held on a different day; July 4, known as Independence Day; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; the day on which the biennial election is held; November 11, known as Veterans Day; Thanksgiving Day, whenever appointed; and Christmas Day are legal holidays.

AMENDED ANALYSIS

This bill adds the name of Martin Luther King, Jr. to Civil Rights Day, and provides that it honors Jonathan M. Daniels and all individuals who have worked for civil rights in this section.  
Reps. Teschner, Weatherspoon and Burling spoke in favor.  
Reps. Wright and Dickinson spoke against.  
Rep. Loren Jean spoke against and yielded to questions.  
Rep. Dickinson requested a roll call; sufficiently seconded.  
The question being the adoption of the floor amendment.

YEAS 162 NAYS 191

YEAS 162

BELKNAP

Clark, Charles                      Salatiello, Thomas

CARROLL

Bradley, Jeb

CHESHIRE

|                     |                   |                    |                    |
|---------------------|-------------------|--------------------|--------------------|
| Avery, Stephen      | Bonneau, Sarah    | Burnham, Daniel    | Champagne, Richard |
| DePecol, Benjamin   | Doucette, Richard | Hunt, John         | Lynch, Margaret    |
| Lynott, Margaret    | McGuirk, Paul     | Meador, David      | Pratt, John        |
| Richardson, Barbara | Riley, William    | Robertson, Timothy | Russell, Ronald    |

COOS

|                |                 |                  |                  |
|----------------|-----------------|------------------|------------------|
| Bradley, Paula | Coulombe, Henry | Coulombe, Yvonne | Hawkinson, Marie |
| Mears, Edgar   | Moynihan, Wayne |                  |                  |

GRAFTON

|                  |                    |                |                    |
|------------------|--------------------|----------------|--------------------|
| Akins, Ralph     | Almy, Susan        | Below, Clifton | Copenhaver, Marion |
| Guest, Robert    | Hill, Richard      | Hinman, Harry  | Lovett, Sidney     |
| Nordgren, Sharon | Teschner, Douglass |                |                    |

HILLSBOROUGH

|                   |                  |                         |                      |
|-------------------|------------------|-------------------------|----------------------|
| Allen, W. Gordon  | Alukonis, David  | Asselin, Robert         | Barry, William, III  |
| Belvin, William   | Bernier, Shannon | Buckley, Raymond        | Cardin, Lori         |
| Carney, Lauren    | Clay, Susan      | Clemons, Jane           | Cote, David          |
| D'Allesandro, Lou | Dokmo, Cynthia   | Drabinowicz, A. Theresa | Durham, Susan        |
| Ferguson, Charles | Fields, Dennis   | Foster, Joseph          | Foster, Linda        |
| Gage, Ruth        | Ginsburg, Ruth   | Hall, Betty             | Hart, Nick           |
| Jean, Claudette   | Johnson, Lionel  | LaRose, Richard         | Leonard, Peter       |
| MacAuslan, Rita   | Martin, Mary     | McCarthy, William       | McDonald, James, Sr. |
| Melcher, Harold   | Mittelman, David | Murphy, Robert          | Perkins, Paul        |
| Reidy, Frank      | Turgeon, Roland  | Vaillancourt, Steve     | Welch, Donald        |
| White, Jay        | Williams, Carol  |                         |                      |

MERRIMACK

|                  |                 |                   |                    |
|------------------|-----------------|-------------------|--------------------|
| Burney, Carol    | Crosby, Toni    | Daneault, Gabriel | DeStefano, Stephen |
| Dunn, Miriam     | Fraser, Marilyn | French, Barbara   | Gile, Mary         |
| Hager, Elizabeth | Hess, David     | Jacobson, Alf     | Lockwood, Robert   |
| Moore, Carol     | Owen, Derek     | Reardon, Tara     | Rogers, Katherine  |
| Seldin, Gloria   | St. Cyr, Gerard | Wallin, Jean      | Wallner, Mary Jane |
| Yeaton, Charles  |                 |                   |                    |

ROCKINGHAM

|                          |                    |                 |                       |
|--------------------------|--------------------|-----------------|-----------------------|
| Battles-Peirce, Marjorie | Blanchard, MaryAnn | Case, Margaret  | Christie, Andrew, Jr. |
| Clark, Martha            | Coes, Betsy        | Cushing, Robert | Downing, Michael      |

Francoeur, Sheila  
Hutchinson, Rebecca  
McCarthy, John, Jr.  
Pantelakos, Laura  
Vaughn, Charles

Frechette, Joseph  
Kane, Cecelia  
McGovern, Cynthia  
Sabella, Norma  
Weatherspoon, Jackie

Heath, John  
Kelley, Jane  
Micklon, Stephanie  
Schanda, Frank

Henderson, Warren  
Langone, John  
Norelli, Terie  
Syracusa, Anthony

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Musler, George  
Rollo, Michael  
Tsiros, William

Brennan, William  
Estabrook, Iris  
Kaen, Naida  
McCann, William, Jr.  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

Brown, Julie  
Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Pelletier, Marsha  
Snyder, Clair  
Vachon, Dennis

DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Merritt, Deborah  
Rogers, Rose Marie  
Torr, Ann  
Wall, Janet

### SULLIVAN

Burling, Peter  
Flint, Gordon  
Palmer, Lorraine

Cloutier, John  
Krueger, Richard  
Wiggins, Celestine

Donovan, Thomas  
Leone, Richard

Ferland, Brenda  
Lindblade, Eric

### NAYS 191

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Lawton, Robert  
Turner, Robert

Boriso, Thomas  
Hurt, George  
Rice, Thomas, Jr.  
Ziegler, Alice

Boyce, Robert  
Lafiam, Robert  
Rosen, Ralph

Golden, Paul  
Lawton, David  
Thomas, John

### CARROLL

Babson, David, Jr.  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

### CHESHIRE

McNamara, Wanda  
Steere, Myron, III

Metzger, Katherine

Royce, H. Charles

Smith, Edwin

### COOS

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn  
Tholl, John, Jr.

Merrill, Gerald

### GRAFTON

Alger, John  
MacNeil, Allen  
Trelfa, Richard

Cobbin, Philip  
Mirski, Paul  
Weber, Phil

Eaton, Stephanie  
Phinney, William  
Williams, William, Jr.

Guaraldi, Lawrence  
Root, John

### HILLSBOROUGH

Ackerman, Philip  
Bergin, Peter  
Burke, M. Virginia  
Christiansen, Lars  
Daniels, Gary  
Emerton, Lawrence, Sr.  
Golding, William  
Hansen, Herbert  
Holt, David  
Kurk, Neal  
Lessard, Rudy

Amidon, Eleanor  
Boutin, David  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Dawe, Eileen  
Fenton, James  
Gosselin, Gerald  
Herman, Keith  
Hunter, Bruce  
L'Heureux, Robert  
Letendre, Evelyn

Arnold, Thomas, Jr.  
Briefs, Geoffrey  
Carlson, Donald  
Cote, Peter  
Desrosiers, William  
Flora, Kathleen  
Goulet, Maurice  
Holden, Carol  
Jean, Loren  
Lefebvre, Roland  
Lozeau, DonnaLee

Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Daigle, Robert  
Dyer, Merton  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Kelley, Robert  
Leishman, Peter  
Luebker, Bernard

MacGillivray, Jeffrey  
McGough, Tim  
Murch, George  
Piteri, Dawn  
Thulander, O. Alan

MacIntyre, Doris  
Mercer, Robert  
O'Hearn, Jane  
Riley, Frances  
Wheeler, Robert

Marckowski, Michael  
Messier, Irene  
Pepino, Leo  
Sargent, Maxwell  
White, Donald

McCarty, Winston  
Milligan, Robert  
Peterson, Andrew  
Searles, Stanley, Sr.  
Wright, George

### MERRIMACK

Adams, Stephen  
Crowell, Peter  
Lamach, Bernard  
Leber, William  
Nichols, Avis

Anderson, Eric  
Feuerstein, Martin  
Langer, Ray  
Marshall, Kenneth  
Pfaff, Terence

Brown, Mary  
Hoadley, Elizabeth  
Larrabee, David  
Maxfield, Roy  
Whalley, Michael

Chandler, Earle  
Krueger, Patricia  
Lavoie, Gerard  
Morrill, Olive  
Whittemore, James

### ROCKINGHAM

Arndt, Janet  
Camm, Kevin  
Dearborn, Bruce  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Katsakiores, Phyllis  
Letourneau, Robert  
Mikowski, Walter  
Nowe, Ronald  
Simmons, John Anthony  
Stritch, C. Donald  
Weyler, Kenneth

Beaulieu, Jon  
Carson, Gregory  
Dodge, Robert  
Dube, LeRoy  
Flanders, David  
Griffin, Mary  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
Millard, Ralph  
Noyes, Richard  
Smith, Kevin  
Tufts, J. Arthur  
Woods, Deborah

Belanger, Ronald  
Cegelis, Mark  
Dolan, Richard  
Dunham, Vivian  
Flanders, John, Sr.  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Moore, Benjamin  
Raynowska, Bernard  
Stickney, Nancy  
Varrell, Thomas

Bishop, Franklin  
Cooney, Richard  
Dowd, Sandra  
Fesh, Robert  
Gibbons, Paul  
Katsakiores, George  
Langley, Jane  
Malcolm, Kenneth  
Morris, Debbie  
Reardon, Neil  
Stone, Joseph  
Welch, David

### STRAFFORD

Bickford, David  
Sullivan, Henry

Callaghan, Frank  
Torr, Franklin

McKinley, Robert

Spear, Barbara

### SULLIVAN

Adler, Rudolf

Schotanus, Merle

and the floor amendment failed.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Hurt moved that the House reconsider its action whereby it failed to adopt the committee amendment on **SB 157**, adding the name of Martin Luther King, Jr. to Civil Right Day.

On a division vote, 127 members having voted in the affirmative and 226 in the negative, reconsideration failed.

Rep. Burling moved Ought to Pass and requested a roll call; sufficiently seconded.

The question being the motion of Ought to Pass on Senate Bill 157.

**YEAS 177 NAYS 178**

**YEAS 177**

**BELKNAP**

Clark, Charles

**CARROLL**

Bradley, Jeb

Lyman, L. Randy

**CHESHIRE**

|                   |                     |                 |                    |
|-------------------|---------------------|-----------------|--------------------|
| Avery, Stephen    | Bonneau, Sarah      | Burnham, Daniel | Champagne, Richard |
| DePecol, Benjamin | Doucette, Richard   | Hunt, John      | Lynch, Margaret    |
| Lynott, Margaret  | McGuirk, Paul       | Meador, David   | Metzger, Katherine |
| Pratt, John       | Richardson, Barbara | Riley, William  | Robertson, Timothy |
| Royce, H. Charles | Russell, Ronald     |                 |                    |

**COOS**

|                |                 |                  |                  |
|----------------|-----------------|------------------|------------------|
| Bradley, Paula | Coulombe, Henry | Coulombe, Yvonne | Hawkinson, Marie |
| Mears, Edgar   | Moynihan, Wayne |                  |                  |

**GRAFTON**

|                |                  |                    |                    |
|----------------|------------------|--------------------|--------------------|
| Akins, Ralph   | Almy, Susan      | Below, Clifton     | Copenhaver, Marion |
| Guest, Robert  | Ham, Bonnie      | Hill, Richard      | Hinman, Harry      |
| Lovett, Sidney | Nordgren, Sharon | Teschner, Douglass |                    |

**HILLSBOROUGH**

|                      |                     |                         |                   |
|----------------------|---------------------|-------------------------|-------------------|
| Ackerman, Philip     | Allen, W. Gordon    | Alukonis, David         | Asselin, Robert   |
| Barry, William, III  | Bernier, Shannon    | Buckley, Raymond        | Cardin, Lori      |
| Clay, Susan          | Clemons, Jane       | Cote, David             | D'Allesandro, Lou |
| Dawe, Eileen         | Dokmo, Cynthia      | Drabinowicz, A. Theresa | Durham, Susan     |
| Ferguson, Charles    | Fields, Dennis      | Foster, Joseph          | Foster, Linda     |
| Gage, Ruth           | Ginsburg, Ruth      | Hall, Betty             | Hart, Nick        |
| Herman, Keith        | Holley, Sylvia      | Jean, Claudette         | Johnson, Lionel   |
| LaRose, Richard      | Lefebvre, Roland    | Leishman, Peter         | Leonard, Peter    |
| Lozeau, Donnalee     | MacAuslan, Rita     | Martin, Mary            | McCarthy, William |
| McDonald, James, Sr. | Melcher, Harold     | Mittelman, David        | Murch, George     |
| O'Hearn, Jane        | Perkins, Paul       | Peterson, Andrew        | Reidy, Frank      |
| Turgeon, Roland      | Vaillancourt, Steve | Welch, Donald           | White, Jay        |
| Williams, Carol      |                     |                         |                   |

**MERRIMACK**

|                    |                 |                   |                    |
|--------------------|-----------------|-------------------|--------------------|
| Burney, Carol      | Crosby, Toni    | Daneault, Gabriel | DeStefano, Stephen |
| Dunn, Miriam       | Fraser, Marilyn | French, Barbara   | Gile, Mary         |
| Hager, Elizabeth   | Hess, David     | Jacobson, Alf     | Leber, William     |
| Lockwood, Robert   | Moore, Carol    | Owen, Derek       | Reardon, Tara      |
| Rogers, Katherine  | Seldin, Gloria  | St. Cyr, Gerard   | Wallin, Jean       |
| Wallner, Mary Jane | Yeaton, Charles |                   |                    |

**ROCKINGHAM**

|                       |                          |                     |                     |
|-----------------------|--------------------------|---------------------|---------------------|
| Arndt, Janet          | Battles-Peirce, Marjorie | Blanchard, MaryAnn  | Case, Margaret      |
| Christie, Andrew, Jr. | Clark, Martha            | Coes, Betsy         | Cooney, Richard     |
| Cushing, Robert       | Downing, Michael         | Francoeur, Sheila   | Frechette, Joseph   |
| Heath, John           | Henderson, Warren        | Hutchinson, Rebecca | Kane, Cecelia       |
| Kelley, Jane          | Langone, John            | Lovejoy, Marian     | McCarthy, John, Jr. |
| McGovern, Cynthia     | Micklon, Stephanie       | Norelli, Terie      | Pantelakos, Laura   |
| Sabella, Norma        | Schanda, Frank           | Syracusa, Anthony   | Vaughn, Charles     |
| Weatherspoon, Jackie  |                          |                     |                     |

**STRAFFORD**

|                   |                      |                   |                    |
|-------------------|----------------------|-------------------|--------------------|
| Berube, Roger     | Brennan, William     | Brown, Julie      | DeChane, Marlene   |
| Dunlap, Patricia  | Estabrook, Iris      | Grassie, Anne     | Hemon, Roland      |
| Hilliard, Dana    | Kaen, Naida          | Keans, Sandra     | Knowles, William   |
| Lundborn, Raymond | McCann, William, Jr. | Merrill, Amanda   | Merritt, Deborah   |
| Musler, George    | Pelletier, Arthur    | Pelletier, Marsha | Rogers, Rose Marie |
| Rollo, Michael    | Smith, Marjorie      | Snyder, Clair     | Torr, Ann          |
| Tsiros, William   | Twardus, Joseph      | Vachon, Dennis    | Wall, Janet        |

**SULLIVAN**

Burling, Peter  
Flint, Gordon  
Palmer, Lorraine

Cloutier, John  
Krueger, Richard  
Schotanus, Merle

Donovan, Thomas  
Leone, Richard  
Wiggins, Celestine

Ferland, Brenda  
Lindblade, Eric

**NAYS 178****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Lawton, Robert  
Turner, Robert

Boriso, Thomas  
Hurt, George  
Rice, Thomas, Jr.  
Ziegler, Alice

Boyce, Robert  
Laffam, Robert  
Rosen, Ralph

Golden, Paul  
Lawton, David  
Thomas, John

**CARROLL**

Babson, David, Jr.  
Foster, Robert  
Mock, Henry

Chandler, Gene  
Howard, Godfrey  
Patten, Betsey

Cooper, Kipp  
Kenney, Joseph  
Philbrick, Donald

Dickinson, Howard, Jr.  
MacDonald, Kenneth

**CHESHIRE**

McNamara, Wanda

Smith, Edwin

Steere, Myron, III

**COOS**

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
St. Hilaire, Paul

Horton, Lynn  
Tholl, John, Jr.

Merrill, Gerald

**GRAFTON**

Alger, John  
MacNeil, Allen  
Trelfa, Richard

Cobbin, Philip  
Mirski, Paul  
Weber, Phil

Eaton, Stephanie  
Phinney, William  
Williams, William, Jr.

Guaraldi, Lawrence  
Root, John

**HILLSBOROUGH**

Amidon, Eleanor  
Bergin, Peter  
Burke, M. Virginia  
Chabot, Robert  
Daigle, Robert  
Emerton, Lawrence, Sr.  
Golding, William  
Hansen, Herbert  
Jean, Loren  
Lessard, Rudy  
MacIntyre, Doris  
Mercer, Robert  
Pepino, Leo  
Searles, Stanley, Sr.  
Wright, George

Arnold, Thomas, Jr.  
Boutin, David  
Calawa, Leon, Jr.  
Christiansen, Lars  
Daniels, Gary  
Fenton, James  
Gosselin, Gerald  
Holden, Carol  
Kelley, Robert  
Letendre, Evelyn  
Marcinkowski, Michael  
Messier, Irene  
Piteri, Dawn  
Thulander, O. Alan

Batula, Peter  
Briefs, Geoffrey  
Carlson, Donald  
Clegg, Robert, Jr.  
Desrosiers, William  
Flora, Kathleen  
Goulet, Maurice  
Holt, David  
Kurk, Neal  
Luebker, Bernard  
McCarty, Winston  
Milligan, Robert  
Riley, Frances  
Wheeler, Robert

Belvin, William  
Brundige, Robert  
Carney, Lauren  
Cote, Peter  
Dyer, Merton  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Hunter, Bruce  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McGough, Tim  
Murphy, Robert  
Sargent, Maxwell  
White, Donald

**MERRIMACK**

Adams, Stephen  
Colburn, Thomas  
Krueger, Patricia  
Lavoie, Gerard  
Nichols, Avis

Anderson, Eric  
Crowell, Peter  
Lamach, Bernard  
Marshall, Kenneth  
Pfaff, Terence

Brown, Mary  
Feuerstein, Martin  
Langer, Ray  
Maxfield, Roy  
Whalley, Michael

Chandler, Earle  
Hoadley, Elizabeth  
Larrabee, David  
Morrill, Olive  
Whittemore, James

**ROCKINGHAM**

Beaulieu, Jon  
Carson, Gregory

Belanger, Ronald  
Cegelis, Mark

Bishop, Franklin  
Dearborn, Bruce

Camm, Kevin  
Dodge, Robert

Dolan, Richard  
 Dunham, Vivian  
 Flanders, John, Sr.  
 Johnson, Robert  
 Kobel, Rudolph  
 Malcolm, Kenneth  
 Moore, Benjamin  
 Raynowska, Bernard  
 Stickney, Nancy  
 Varrell, Thomas

Dowd, Sandra  
 Fesh, Robert  
 Gibbons, Paul  
 Katsakiores, George  
 Langley, Jane  
 McKinney, Betsy  
 Morris, Debbie  
 Reardon, Neil  
 Stone, Joseph  
 Welch, David

Dowling, Patricia  
 Flanagan, Natalie  
 Gleason, John  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Mikowski, Walter  
 Nowe, Ronald  
 Simmons, John Anthony  
 Stritch, C. Donald  
 Weyler, Kenneth

Dube, LeRoy  
 Flanders, David  
 Griffin, Mary  
 Klemm, Arthur, Jr.  
 Major, Norman  
 Millard, Ralph  
 Noyes, Richard  
 Smith, Kevin  
 Tufts, J. Arthur  
 Woods, Deborah

### STRAFFORD

Bickford, David  
 Sullivan, Henry

Callaghan, Frank  
 Torr, Franklin

McKinley, Robert

Spear, Barbara

### SULLIVAN

Adler, Rudolf

and Ought to Pass failed.

### INDEFINITE POSTPONEMENT

Rep. Dickinson moved that **SB 157**, adding the name of Martin Luther King, Jr. to Civil Rights Day be indefinitely postponed.

On a division vote, 182 members having voted in the affirmative and 173 in the negative, the bill was indefinitely postponed.

### REMOVED FROM THE TABLE

Rep. Mercer moved that **HB 660**, adding the name of Martin Luther King, Jr. to Civil Rights Day be removed from the table. (Pending question: adoption of the Committee report of Inexpedient to Legislate)

Rep. Burling requested a roll call; sufficiently seconded.

The question being to remove from the table.

**YEAS 195 NAYS 161**

### YEAS 195

### BELKNAP

Bartlett, Gordon  
 Golden, Paul  
 Lawton, David  
 Thomas, John

Boriso, Thomas  
 Holbrook, Robert  
 Lawton, Robert  
 Turner, Robert

Boyce, Robert  
 Hurt, George  
 Rice, Thomas, Jr.

Clark, Charles  
 Laflam, Robert  
 Rosen, Ralph

### CARROLL

Babson, David, Jr.  
 Kenney, Joseph  
 Patten, Betsey

Cooper, Kipp  
 Lyman, L. Randy  
 Philbrick, Donald

Dickinson, Howard, Jr.  
 MacDonald, Kenneth

Foster, Robert  
 Mock, Henry

### CHESHIRE

Avery, Stephen  
 Royce, H. Charles

Hunt, John  
 Smith, Edwin

McNamara, Wanda  
 Steere, Myron, III

Metzger, Katherine

### COOS

Guay, Lawrence  
 St. Hilaire, Paul

Horton, Lynn  
 Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

### GRAFTON

Alger, John  
 MacNeil, Allen  
 Teschner, Douglass

Cobbin, Philip  
 Mirski, Paul  
 Trelfa, Richard

Guaraldi, Lawrence  
 Phinney, William  
 Weber, Phil

Hill, Richard  
 Root, John

**HILLSBOROUGH**

Alukonis, David  
 Belvin, William  
 Burke, M. Virginia  
 Chabot, Robert  
 Daigle, Robert  
 Dokmo, Cynthia  
 Fenton, James  
 Golding, William  
 Herman, Keith  
 Kelley, Robert  
 Lessard, Rudy  
 MacGillivray, Jeffrey  
 McGough, Tim  
 Murch, George  
 Peterson, Andrew  
 Searles, Stanley, Sr.  
 Wright, George

Amidon, Eleanor  
 Bergin, Peter  
 Calawa, Leon, Jr.  
 Christiansen, Lars  
 Daniels, Gary  
 Durham, Susan  
 Ferguson, Charles  
 Gosselin, Gerald  
 Holden, Carol  
 Kurk, Neal  
 Letendre, Evelyn  
 MacIntyre, Doris  
 Mercer, Robert  
 Murphy, Robert  
 Piteri, Dawn  
 Thulander, O. Alan

Arnold, Thomas, Jr.  
 Briefs, Geoffrey  
 Carlson, Donald  
 Clegg, Robert, Jr.  
 Dawe, Eileen  
 Dyer, Merton  
 Flora, Kathleen  
 Goulet, Maurice  
 Hunter, Bruce  
 Lefebvre, Roland  
 Lozeau, Donnalee  
 Marcinkowski, Michael  
 Messier, Irene  
 O'Hearn, Jane  
 Riley, Frances  
 Wheeler, Robert

Batula, Peter  
 Brundige, Robert  
 Carney, Lauren  
 Cote, Peter  
 Desrosiers, William  
 Emerton, Lawrence, Sr.  
 Gagnon, Eugene  
 Hansen, Herbert  
 Jean, Loren  
 Leishman, Peter  
 Luebker, Bernard  
 McCarty, Winston  
 Milligan, Robert  
 Pepino, Leo  
 Sargent, Maxwell  
 White, Donald

**MERRIMACK**

Adams, Stephen  
 Crowell, Peter  
 Langer, Ray  
 Marshall, Kenneth  
 Pfaff, Terence

Anderson, Eric  
 Hess, David  
 Larrabee, David  
 Maxfield, Roy  
 Whalley, Michael

Chandler, Earle  
 Hoadley, Elizabeth  
 Lavoie, Gerard  
 Morrill, Olive  
 Whittemore, James

Colburn, Thomas  
 Krueger, Patricia  
 Leber, William  
 Nichols, Avis

**ROCKINGHAM**

Arndt, Janet  
 Camm, Kevin  
 Dearborn, Bruce  
 Dowling, Patricia  
 Flanagan, Natalie  
 Gleason, John  
 Katsakiores, George  
 Langley, Jane  
 Major, Norman  
 Millard, Ralph  
 Noyes, Richard  
 Smith, Kevin  
 Tufts, J. Arthur  
 Woods, Deborah

Beaulieu, Jon  
 Carson, Gregory  
 Dodge, Robert  
 Dube, LeRoy  
 Flanders, John, Sr.  
 Griffin, Mary  
 Katsakiores, Phyllis  
 Langone, John  
 Malcolm, Kenneth  
 Moore, Benjamin  
 Raynowska, Bernard  
 Stickney, Nancy  
 Varrell, Thomas

Belanger, Ronald  
 Cegelis, Mark  
 Dolan, Richard  
 Dunham, Vivian  
 Francoeur, Sheila  
 Henderson, Warren  
 Klemm, Arthur, Jr.  
 Letourneau, Robert  
 McKinney, Betsy  
 Morris, Debbie  
 Reardon, Neil  
 Stone, Joseph  
 Welch, David

Bishop, Franklin  
 Cooney, Richard  
 Dowd, Sandra  
 Fesh, Robert  
 Gibbons, Paul  
 Johnson, Robert  
 Kobel, Rudolph  
 Lovejoy, Marian  
 Mikowski, Walter  
 Nowe, Ronald  
 Simmons, John Anthony  
 Stritch, C. Donald  
 Weyler, Kenneth

**STRAFFORD**

Bickford, David  
 Spear, Barbara

Callaghan, Frank  
 Torr, Franklin

McKinley, Robert

Musler, George

**SULLIVAN**

Adler, Rudolf

Flint, Gordon

Krueger, Richard

Leone, Richard

**NAYS 161****BELKNAP**

Ziegra, Alice

**CARROLL**

Bradley, Jeb

Chandler, Gene

Howard, Godfrey

**CHESHIRE**

Bonneau, Sarah  
Doucette, Richard  
Meador, David  
Robertson, Timothy

Burnham, Daniel  
Lynch, Margaret  
Pratt, John  
Russell, Ronald

Champagne, Richard  
Lynott, Margaret  
Richardson, Barbara

DePecol, Benjamin  
McGuirk, Paul  
Riley, William

**COOS**

Bradley, Paula  
Hawkinson, Marie

Coulombe, Henry  
Mears, Edgar

Coulombe, Yvonne  
Moynihan, Wayne

Davis, Perley

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
LaMott, Paul

Almy, Susan  
Guest, Robert  
Lovett, Sidney

Below, Clifton  
Ham, Bonnie  
Nordgren, Sharon

Copenhaver, Marion  
Hinman, Harry  
Williams, William, Jr.

**HILLSBOROUGH**

Ackerman, Philip  
Bernier, Shannon  
Clay, Susan  
Drabinowicz, A. Theresa  
Gage, Ruth  
Hart, Nick  
Johnson, Lionel  
MacAuslan, Rita  
Melcher, Harold  
Turgeon, Roland  
Williams, Carol

Allen, W. Gordon  
Boutin, David  
Clemons, Jane  
Fields, Dennis  
Ginsburg, Ruth  
Holley, Sylvia  
L'Heureux, Robert  
Martin, Mary  
Mittelman, David  
Vaillancourt, Steve

Asselin, Robert  
Buckley, Raymond  
Cote, David  
Foster, Joseph  
Haettenschwiller, Alphonse  
Holt, David  
LaRose, Richard  
McCarthy, William  
Perkins, Paul  
Welch, Donald

Barry, William, III  
Cardin, Lori  
D'Allesandro, Lou  
Foster, Linda  
Hall, Betty  
Jean, Claudette  
Leonard, Peter  
McDonald, James, Sr.  
Reidy, Frank  
White, Jay

**MERRIMACK**

Brown, Mary  
DeStefano, Stephen  
French, Barbara  
Lamach, Bernard  
Reardon, Tara  
Wallin, Jean

Burney, Carol  
Dunn, Miriam  
Gile, Mary  
Lockwood, Robert  
Rogers, Katherine  
Wallner, Mary Jane

Crosby, Toni  
Feuerstein, Martin  
Hager, Elizabeth  
Moore, Carol  
Seldin, Gloria  
Yeaton, Charles

Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
Owen, Derek  
St. Cyr, Gerard

**ROCKINGHAM**

Battles-Peirce, Marjorie  
Clark, Martha  
Flanders, David  
Kane, Cecelia  
Micklon, Stephanie  
Schanda, Frank

Blanchard, MaryAnn  
Coes, Betsy  
Frechette, Joseph  
Kelley, Jane  
Norelli, Terie  
Syracusa, Anthony

Case, Margaret  
Cushing, Robert  
Heath, John  
McCarthy, John, Jr.  
Pantelakos, Laura  
Vaughn, Charles

Christie, Andrew, Jr.  
Downing, Michael  
Hutchinson, Rebecca  
McGovern, Cynthia  
Sabella, Norma  
Weatherspoon, Jackie

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Smith, Marjorie  
Tsiros, William

Brennan, William  
Estabrook, Iris  
Kaen, Naida  
McCann, William, Jr.  
Pelletier, Marsha  
Snyder, Clair  
Twardus, Joseph

Brown, Julie  
Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Vachon, Dennis

DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Merritt, Deborah  
Rollo, Michael  
Torr, Ann  
Wall, Janet

**SULLIVAN**

Burling, Peter  
Lindblade, Eric

Cloutier, John  
Palmer, Lorraine

Donovan, Thomas  
Schotanus, Merle

Ferland, Brenda  
Wiggins, Celestine

and HB 660 was removed from the table.

**HB 660**, adding the name of Martin Luther King, Jr. to Civil Rights Day. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The committee has two bills in its possession dealing with this subject. The majority of the committee asks that this bill be voted inexpedient to legislate so that we may consider the other bill dealing with this subject (SB 157). Consideration of SB 157 will allow the membership latitude in their final vote and provides the house with a resolution of the issue which has the unanimous support of the committee. Therefore, we request the house vote inexpedient to legislate. Vote 16-5.

**INDEFINITE POSTPONEMENT**

Rep. Mercer moved that **HB 660**, adding the name of Martin Luther King, Jr. to Civil Rights Day, be indefinitely postponed.

Rep. Burling requested a roll call, sufficiently seconded.

The question being the motion to indefinitely postpone.

**YEAS 188 NAYS 167****YEAS 188****BELKNAP**

|                  |                  |                   |                |
|------------------|------------------|-------------------|----------------|
| Bartlett, Gordon | Boriso, Thomas   | Boyce, Robert     | Clark, Charles |
| Golden, Paul     | Holbrook, Robert | Hurt, George      | Laflam, Robert |
| Lawton, David    | Lawton, Robert   | Rice, Thomas, Jr. | Rosen, Ralph   |
| Thomas, John     | Turner, Robert   | Ziegra, Alice     |                |

**CARROLL**

|                    |                 |                |                        |
|--------------------|-----------------|----------------|------------------------|
| Babson, David, Jr. | Chandler, Gene  | Cooper, Kipp   | Dickinson, Howard, Jr. |
| Foster, Robert     | Howard, Godfrey | Kenney, Joseph | Lyman, L. Randy        |
| MacDonald, Kenneth | Mock, Henry     | Patten, Betsey | Philbrick, Donald      |

**CHESHIRE**

|                 |                   |              |                    |
|-----------------|-------------------|--------------|--------------------|
| McNamara, Wanda | Royce, H. Charles | Smith, Edwin | Steere, Myron, III |
|-----------------|-------------------|--------------|--------------------|

**COOS**

|                 |                   |                  |                 |
|-----------------|-------------------|------------------|-----------------|
| Davis, Perley   | Guay, Lawrence    | Horton, Lynn     | Merrill, Gerald |
| Pratt, Leighton | St. Hilaire, Paul | Tholl, John, Jr. |                 |

**GRAFTON**

|              |                 |                  |                        |
|--------------|-----------------|------------------|------------------------|
| Alger, John  | Cobbin, Philip  | Eaton, Stephanie | Guaraldi, Lawrence     |
| LaMott, Paul | MacNeil, Allen  | Mirski, Paul     | Phinney, William       |
| Root, John   | Trelfa, Richard | Weber, Phil      | Williams, William, Jr. |

**HILLSBOROUGH**

|                    |                       |                       |                        |
|--------------------|-----------------------|-----------------------|------------------------|
| Alukonis, David    | Amidon, Eleanor       | Arnold, Thomas, Jr.   | Batula, Peter          |
| Boutin, David      | Briefs, Geoffrey      | Brundige, Robert      | Burke, M. Virginia     |
| Calawa, Leon, Jr.  | Carlson, Donald       | Carney, Lauren        | Chabot, Robert         |
| Christiansen, Lars | Clegg, Robert, Jr.    | Cote, Peter           | Daigle, Robert         |
| Daniels, Gary      | Desrosiers, William   | Dyer, Merton          | Emerton, Lawrence, Sr. |
| Fenton, James      | Flora, Kathleen       | Gagnon, Eugene        | Golding, William       |
| Gosselin, Gerald   | Goulet, Maurice       | Hansen, Herbert       | Herman, Keith          |
| Holley, Sylvia     | Holt, David           | Hunter, Bruce         | Jean, Loren            |
| Kelley, Robert     | Kurk, Neal            | L'Heureux, Robert     | Lessard, Rudy          |
| Letendre, Evelyn   | Lozeau, Donnalee      | Luebker, Bernard      | MacGillivray, Jeffrey  |
| MacIntyre, Doris   | Marcinkowski, Michael | McCarty, Winston      | McGough, Tim           |
| Mercer, Robert     | Messier, Irene        | Milligan, Robert      | Mittelman, David       |
| Murphy, Robert     | O'Hearn, Jane         | Pepino, Leo           | Piteri, Dawn           |
| Riley, Frances     | Sargent, Maxwell      | Searles, Stanley, Sr. | Thulander, O. Alan     |
| Wheeler, Robert    | White, Donald         | Wright, George        |                        |

**MERRIMACK**

|                    |                   |                    |                   |
|--------------------|-------------------|--------------------|-------------------|
| Adams, Stephen     | Anderson, Eric    | Brown, Mary        | Chandler, Earle   |
| Colburn, Thomas    | Crowell, Peter    | Feuerstein, Martin | Hess, David       |
| Hoadley, Elizabeth | Krueger, Patricia | Lamach, Bernard    | Langer, Ray       |
| Larrabee, David    | Lavoie, Gerard    | Leber, William     | Marshall, Kenneth |
| Maxfield, Roy      | Morrill, Olive    | Nichols, Avis      | Pfaff, Terence    |
| Whalley, Michael   | Whittemore, James |                    |                   |

**ROCKINGHAM**

|                       |                     |                    |                     |
|-----------------------|---------------------|--------------------|---------------------|
| Arndt, Janet          | Beaulieu, Jon       | Belanger, Ronald   | Bishop, Franklin    |
| Camm, Kevin           | Carson, Gregory     | Cegelis, Mark      | Cooney, Richard     |
| Dearborn, Bruce       | Dodge, Robert       | Dolan, Richard     | Dowd, Sandra        |
| Dowling, Patricia     | Dube, LeRoy         | Dunham, Vivian     | Fesh, Robert        |
| Flanagan, Natalie     | Flanders, John, Sr. | Gibbons, Paul      | Gleason, John       |
| Griffin, Mary         | Henderson, Warren   | Johnson, Robert    | Katsakiores, George |
| Katsakiores, Phyllis  | Klemm, Arthur, Jr.  | Kobel, Rudolph     | Langley, Jane       |
| Letourneau, Robert    | Major, Norman       | Malcolm, Kenneth   | McKinney, Betsy     |
| Mikowski, Walter      | Millard, Ralph      | Moore, Benjamin    | Morris, Debbie      |
| Nowe, Ronald          | Noyes, Richard      | Raynowska, Bernard | Reardon, Neil       |
| Simmons, John Anthony | Smith, Kevin        | Stickney, Nancy    | Stone, Joseph       |
| Stritch, C. Donald    | Varrell, Thomas     | Welch, David       | Weyler, Kenneth     |
| Woods, Deborah        |                     |                    |                     |

**STRAFFORD**

|                 |                  |                  |                |
|-----------------|------------------|------------------|----------------|
| Bickford, David | Callaghan, Frank | McKinley, Robert | Spear, Barbara |
| Torr, Franklin  |                  |                  |                |

**SULLIVAN**

|               |                  |                |
|---------------|------------------|----------------|
| Adler, Rudolf | Krueger, Richard | Leone, Richard |
|---------------|------------------|----------------|

**NAYS 167****BELKNAP**

None

**CARROLL**

Bradley, Jeb

**CHESHIRE**

|                   |                     |                 |                    |
|-------------------|---------------------|-----------------|--------------------|
| Avery, Stephen    | Bonneau, Sarah      | Burnham, Daniel | Champagne, Richard |
| DePecol, Benjamin | Doucette, Richard   | Hunt, John      | Lynch, Margaret    |
| Lynott, Margaret  | McGuirk, Paul       | Meador, David   | Metzger, Katherine |
| Pratt, John       | Richardson, Barbara | Riley, William  | Robertson, Timothy |
| Russell, Ronald   |                     |                 |                    |

**COOS**

|                |                 |                  |                  |
|----------------|-----------------|------------------|------------------|
| Bradley, Paula | Coulombe, Henry | Coulombe, Yvonne | Hawkinson, Marie |
| Mears, Edgar   | Moynihan, Wayne |                  |                  |

**GRAFTON**

|                |                  |                    |                    |
|----------------|------------------|--------------------|--------------------|
| Akins, Ralph   | Almy, Susan      | Below, Clifton     | Copenhaver, Marion |
| Guest, Robert  | Ham, Bonnie      | Hill, Richard      | Hinman, Harry      |
| Lovett, Sidney | Nordgren, Sharon | Teschner, Douglass |                    |

**HILLSBOROUGH**

|                  |                  |                  |                     |
|------------------|------------------|------------------|---------------------|
| Ackerman, Philip | Allen, W. Gordon | Asselin, Robert  | Barry, William, III |
| Belvin, William  | Bergin, Peter    | Bernier, Shannon | Buckley, Raymond    |
| Cardin, Lori     | Clay, Susan      | Clemons, Jane    | Cote, David         |

|                      |                   |                  |                            |
|----------------------|-------------------|------------------|----------------------------|
| D'Allesandro, Lou    | Dawe, Eileen      | Dokmo, Cynthia   | Drabinowicz, A. Theresa    |
| Durham, Susan        | Ferguson, Charles | Fields, Dennis   | Foster, Joseph             |
| Foster, Linda        | Gage, Ruth        | Ginsburg, Ruth   | Haettenschwiller, Alphonse |
| Hall, Betty          | Hart, Nick        | Holden, Carol    | Jean, Claudette            |
| Johnson, Lionel      | LaRose, Richard   | Lefebvre, Roland | Leishman, Peter            |
| Leonard, Peter       | MacAuslan, Rita   | Martin, Mary     | McCarthy, William          |
| McDonald, James, Sr. | Melcher, Harold   | Murch, George    | Perkins, Paul              |
| Peterson, Andrew     | Reidy, Frank      | Turgeon, Roland  | Vaillancourt, Steve        |
| Welch, Donald        | White, Jay        | Williams, Carol  |                            |

**MERRIMACK**

|                  |                 |                    |                    |
|------------------|-----------------|--------------------|--------------------|
| Burney, Carol    | Crosby, Toni    | Daneault, Gabriel  | DeStefano, Stephen |
| Dunn, Miriam     | Fraser, Marilyn | French, Barbara    | Gile, Mary         |
| Hager, Elizabeth | Jacobson, Alf   | Lockwood, Robert   | Moore, Carol       |
| Owen, Derek      | Reardon, Tara   | Rogers, Katherine  | Seldin, Gloria     |
| St. Cyr, Gerard  | Wallin, Jean    | Wallner, Mary Jane | Yeaton, Charles    |

**ROCKINGHAM**

|                          |                     |                   |                       |
|--------------------------|---------------------|-------------------|-----------------------|
| Battles-Peirce, Marjorie | Blanchard, MaryAnn  | Case, Margaret    | Christie, Andrew, Jr. |
| Clark, Martha            | Coes, Betsy         | Cushing, Robert   | Downing, Michael      |
| Flanders, David          | Francoeur, Sheila   | Frechette, Joseph | Heath, John           |
| Hutchinson, Rebecca      | Kane, Cecelia       | Kelley, Jane      | Langone, John         |
| Lovejoy, Marian          | McCarthy, John, Jr. | McGovern, Cynthia | Micklon, Stephanie    |
| Norelli, Terie           | Pantelakos, Laura   | Sabella, Norma    | Schanda, Frank        |
| Syracusa, Anthony        | Tufts, J. Arthur    | Vaughn, Charles   | Weatherspoon, Jackie  |

**STRAFFORD**

|                   |                      |                   |                    |
|-------------------|----------------------|-------------------|--------------------|
| Berube, Roger     | Brennan, William     | Brown, Julie      | DeChane, Marlene   |
| Dunlap, Patricia  | Estabrook, Iris      | Grassie, Anne     | Hemon, Roland      |
| Hilliard, Dana    | Kaen, Naida          | Keans, Sandra     | Knowles, William   |
| Lundborn, Raymond | McCann, William, Jr. | Merrill, Amanda   | Merritt, Deborah   |
| Musler, George    | Pelletier, Arthur    | Pelletier, Marsha | Rogers, Rose Marie |
| Rollo, Michael    | Smith, Marjorie      | Snyder, Clair     | Sullivan, Henry    |
| Torr, Ann         | Tsiros, William      | Twardus, Joseph   | Vachon, Dennis     |
| Wall, Janet       |                      |                   |                    |

**SULLIVAN**

|                |                 |                  |                  |
|----------------|-----------------|------------------|------------------|
| Burling, Peter | Cloutier, John  | Donovan, Thomas  | Ferland, Brenda  |
| Flint, Gordon  | Lindblade, Eric | Palmer, Lorraine | Schotanus, Merle |

and HB 660 was indefinitely postponed.

**PROTESTS**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Burling requested that his protest and those of the undersigned members of the House, be entered on the Journal.

I lodge my protest against the vote to indefinitely postpone HB 660. I believe with all my heart that it is time for this state to recognize Dr. Martin Luther King, Jr. by placing his name first, before Civil Rights Day, in the name of our holiday.

|                        |                      |                     |
|------------------------|----------------------|---------------------|
| Peter Hoe Burling      | Sharon L. Nordgren   | Marlene M. DeChane  |
| Michael S. Rollo       | Marjorie K. Smith    | William H. McCann   |
| Jane A. Clemons        | Roland J. Lefebvre   | Carol T. Burney     |
| William H. Barry       | Roger R. Berube      | Martha Fuller Clark |
| Robert P. Asselin      | Naida L. Kaen        | Carol Ann Williams  |
| David E. Cote          | Marian L. Copenhaver | Mary Jane Wallner   |
| Edgar H. Mears         | Carol Moore          | Benjamin J. DePecol |
| A. Theresa Drabinowicz | Claudette R. Jean    | Marie C. Hawkinson  |
| Richard L. Champagne   | Janet G. Wall        | Daniel M. Burnham   |

Terie T. Norelli  
 Barbara Hull Richardson  
 Tara G. Reardon  
 Dana S. Hilliard  
 Harold P. Melcher  
 Raymond C. Buckley  
 Marsha L. Pelletier  
 Roland E. Hemon  
 Sydney Lovett  
 Barbara C. French  
 Amanda A. Merrill  
 Yvonne Coulombe  
 Stephen T. DeStefano  
 Ruth Ginsburg  
 Clifton C. Below  
 Frank J. Reidy  
 Gabriel J. Daneault  
 Charles B. Yeaton  
 Margaret E. Lynott  
 Lionel W. Johnson  
 Rose Marie Rogers  
 Nick Hart  
 Sandra B. Keans  
 Eric N. Lindblade  
 Susan W. Almy  
 Joseph R. Twardus  
 Deborah F. Merritt  
 Maryann N. Blanchard  
 William Tsiros  
 Iris W. Estabrook  
 Toni M. Crosby  
 Gerard St. Cyr

Stephanie K. Micklon  
 Katherine D. Rogers  
 Cecelia D. Kane  
 Lou D'Allesandro  
 Laura C. Pantelakos  
 Joseph D. Frechette  
 Frank M. Schanda  
 Henry P. Sullivan  
 Celestine K. Wiggins  
 John R. Cloutier  
 Lori Cardin  
 Philip M. Ackerman  
 Gloria Seldin  
 Richard F. Doucette  
 Linda T. Foster  
 Sarah K. Bonneau  
 Wayne T. Moynihan  
 Robert H. Guest  
 W. Gordon Allen  
 William J. McCarthy  
 Susan J. Clay  
 Patricia C. Dunlap  
 Paul A. McGuirk  
 Jackie K. Weatherspoon  
 Shannon Lee Bernier  
 Jean R. Wallin  
 Cynthia G. McGovern  
 Lars T. Christiansen  
 Richard J. LaRose  
 Anne C. Grassie  
 Timothy N. Robertson  
 Marjorie Battles-Peirce

J. Arthur Tufts  
 Margaret A. Lynch  
 James A. McDonald  
 Peter F. Leonard  
 Arthur J. Pelletier  
 John B. Heath  
 William P. Brennan  
 Robert R. Cushing  
 Rita G. MacAuslan  
 Clair A. Snyder  
 William A. Riley  
 Charles L. Vaughn  
 Bonnie D. Ham  
 William V. Knowles  
 Raymond A. Lundborn  
 Anthony Syracuse  
 Derek Owen  
 Jay T. White  
 Roland M. Turgeon  
 John M. Pratt  
 Thomas Donovan  
 Paul R. Perkins  
 Lorraine R. Palmer  
 Mary Stuart Gile  
 John S. Langone  
 Betty B. Hall  
 Ruth E. Gage  
 Marilyn A. Fraser  
 Norma A. Sabella  
 Ronald G. Russell  
 Donald Welch

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Jane Kelley requested that her protest be entered on the Journal.

I protest the vote on House Bill 660. The State of New Hampshire will stand as a beacon light for bigotry in the United States of America.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Vaillancourt requested that his protest be entered on the Journal.

Madame Speaker, as an emotional person and a student of history, I fully expected to walk into this hall and immediately be overcome with a sense of awe and majesty as I gazed on the portraits of these great men and came face-to-face with the history that has been made here. I must confess that for my first two months here, I never felt even a tinge of that emotional spark I had anticipated. I was beginning to think something must be wrong with me. That all ended one Thursday afternoon in early February, the day the Senate held its hearing on the Martin Luther King holiday in this hall. I had to rush over to testify on another bill in the Legislative Office Building, but the hearing was still going on when I got back here. As I sat listening I was moved like I have never been before or since in this hall and like I have seldom been moved in my life. As I filled out a card, another Representative asked me how I could possibly support a holiday named for this man when we have no holidays named for anyone else. How, indeed, I wondered. Then, during those emotional moments in this hall, I discovered an answer. I humbly share it with you today. By passing this bill, we honor more than a man; we honor a dream and a myth; we honor ourselves, our noblest instincts. By passing this bill, we recognize that the myth transcends the man; and we acknowledge that while the man will always die, the dream shall never die. Honor yourself. Please join me in passing this bill.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Vachon requested that his protest be entered on the Journal.

I come before you to voice my support for House Bill 660 to give New Hampshire an official Martin Luther King, Jr. holiday. I am proud to be asking you to put a face on this holiday. Let me start by suggesting what this holiday is not about. First of all, we should not support this bill because we are afraid of losing tourism or trade dollars. That is the wrong reason. I ask you to support this bill because it is the right thing to do. Secondly, we should not support this bill just because every other state in the country recognizes Martin Luther King, Jr. day. It is informative that they do and tells us something about what America thinks is important. But Granite staters have never been followers and that alone is not reason enough. On the other hand, not to support it just to be different is both perverse and shallow. I like to think that New Hampshire citizens are neither of these. But unless we put a face on this holiday can we really ever come face-to-face with the prejudice that is within us? Can we ever expect others to take us seriously when we say that we are not prejudiced? That's why we need to put a face on "Civil Rights Day." That's why people are angry and hurt that we can't say the name of Martin Luther King, Jr. and say it with pride. That's why racist groups that truly we have no commerce with want to bring our state on board in their vicious cause of hate. It's time to say no to this. It's time to say "not in this state." It's time to put a face on this holiday.

By recognizing Martin Luther King, Jr., we are celebrating far more than just the civil rights movement. This isn't just a black people's holiday. Martin Luther King, Jr. was a true leader who helped this nation accomplish an enormous societal change. He did this by setting the tone for the dialogue. He did this by providing leadership in a troubled time that focused on nonviolence. And, he was given international recognition for this by receiving the Nobel Peace Prize. Surely, we can find it within ourselves to honor this man by putting his face on Civil Rights Day. The country began celebrating the Martin Luther King, Jr. holiday to foster the kind of sensitivity and healing that we need right now. Fifty or a 100 years from now it may be that something else has grown to greater importance in the public psyche of the country. It may be that sometime in the future we will have grown enough as a people that a generic civil rights holiday, like our President's Day, will be enough to recognize the enormous change that has occurred. But right now, New Hampshire needs to step up to the plate, to join the rest of the country in celebrating the man whose leadership helped us to avert the cycle of violence that has ensnared generations in places like Northern Ireland, Rwanda and Bosnia. That's what this holiday is really about. We are a great state with many challenges ahead of us. Can we stand up and recognize the contributions and achievements of this remarkable American? I think we can, because it's time to put a face on this holiday.

### MOTION TO SPECIAL ORDER

Rep. Kevin Smith moved that **HB 768**, relative to certain abortions be made a Special Order for Wednesday, March 19, 1997 at 10:30 a.m.

Adopted.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Cushing moved that the House reconsider its action whereby it Re-referred to Committee **HB 579**, providing that a person who, having obtained a restraining order against an abuser and having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation, and spoke in favor.

Reps. Perkins and Norelli spoke in favor.

Reps. Knowles and Daniels spoke against and yielded to questions.

Rep. Cushing requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

**YEAS 107 NAYS 234**

**YEAS 107**

**BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah  
Doucette, Richard  
Pratt, John  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
Richardson, Barbara

Champagne, Richard  
McGuirk, Paul  
Riley, William

DePecol, Benjamin  
Meador, David  
Robertson, Timothy

**COOS**

Hawkinson, Marie

Moynihan, Wayne

**GRAFTON**

Almy, Susan  
LaMott, Paul

Below, Clifton  
Lovett, Sidney

Copenhaver, Marion

Guest, Robert

**HILLSBOROUGH**

Asselin, Robert  
Cote, David  
Foster, Joseph  
Hall, Betty  
Leonard, Peter  
Perkins, Paul

Boutin, David  
Cote, Peter  
Gage, Ruth  
Hart, Nick  
MacAuslan, Rita  
Reidy, Frank

Buckley, Raymond  
Daigle, Robert  
Ginsburg, Ruth  
Jean, Claudette  
Martin, Mary  
Vaillancourt, Steve

Cardin, Lori  
Drabinowicz, A. Theresa  
Haettenschwiller, Alphonse  
Lefebvre, Roland  
McCarthy, William  
Welch, Donald

**MERRIMACK**

Brown, Mary  
DeStefano, Stephen  
Hager, Elizabeth  
Reardon, Tara  
Wallner, Mary Jane

Burney, Carol  
Dunn, Miriam  
Lockwood, Robert  
Rogers, Katherine  
Yeaton, Charles

Crosby, Toni  
French, Barbara  
Moore, Carol  
St. Cyr, Gerard

Daneault, Gabriel  
Gile, Mary  
Owen, Derek  
Wallin, Jean

**ROCKINGHAM**

Blanchard, MaryAnn  
Dowling, Patricia  
Kelley, Jane  
Pantelakos, Laura  
Weatherspoon, Jackie

Clark, Martha  
Gibbons, Paul  
Langone, John  
Sabella, Norma

Coes, Betsy  
Hutchinson, Rebecca  
McGovern, Cynthia  
Stritch, C. Donald

Cushing, Robert  
Kane, Cecelia  
Norelli, Terie  
Syracusa, Anthony

**STRAFFORD**

DeChane, Marlene  
Hemon, Roland  
McCann, William, Jr.  
Pelletier, Marsha  
Torr, Ann

Dunlap, Patricia  
Hilliard, Dana  
Merrill, Amanda  
Rogers, Rose Marie  
Twardus, Joseph

Estabrook, Iris  
Keans, Sandra  
Merritt, Deborah  
Rollo, Michael  
Vachon, Dennis

Grassie, Anne  
Lundborn, Raymond  
Pelletier, Arthur  
Sullivan, Henry  
Wall, Janet

**SULLIVAN**

Burling, Peter  
Lindblade, Eric

Donovan, Thomas  
Palmer, Lorraine

Flint, Gordon  
Schotanus, Merle

Krueger, Richard

**NAYS 234****BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Lawton, Robert  
Turner, Robert

Boriso, Thomas  
Holbrook, Robert  
Rice, Thomas, Jr.  
Ziegra, Alice

Boyce, Robert  
Lafiam, Robert  
Rosen, Ralph

Clark, Charles  
Lawton, David  
Thomas, John

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Metzger, Katherine

Hunt, John  
Royce, H. Charles

Lynott, Margaret  
Smith, Edwin

McNamara, Wanda  
Steere, Myron, III

**COOS**

Bradley, Paula  
Guay, Lawrence  
Pratt, Leighton

Coulombe, Henry  
Horton, Lynn  
St. Hilaire, Paul

Coulombe, Yvonne  
Mears, Edgar  
Tholl, John, Jr.

Davis, Perley  
Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Guaraldi, Lawrence  
Mirski, Paul  
Teschner, Douglass

Alger, John  
Hill, Richard  
Nordgren, Sharon  
Trelfa, Richard

Cobbin, Philip  
Hinman, Harry  
Phinney, William  
Weber, Phil

Eaton, Stephanie  
MacNeil, Allen  
Root, John  
Williams, William, Jr.

**HILLSBOROUGH**

Ackerman, Philip  
Arnold, Thomas, Jr.  
Bernier, Shannon  
Calawa, Leon, Jr.  
Clay, Susan  
Daniels, Gary  
Dyer, Merton  
Fields, Dennis  
Golding, William  
Herman, Keith  
Jean, Loren  
L'Heureux, Robert  
Letendre, Evelyn  
MacIntyre, Doris  
Melcher, Harold  
Mittelman, David  
Pepino, Leo  
Sargent, Maxwell  
Wheeler, Robert  
Wright, George

Allen, W. Gordon  
Batula, Peter  
Briefs, Geoffrey  
Carlson, Donald  
Clegg, Robert, Jr.  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Flora, Kathleen  
Gosselin, Gerald  
Holden, Carol  
Johnson, Lionel  
LaRose, Richard  
Lozeau, Donnalee  
McCarty, Winston  
Mercer, Robert  
Murch, George  
Peterson, Andrew  
Searles, Stanley, Sr.  
White, Donald

Alukonis, David  
Belvin, William  
Brundige, Robert  
Chabot, Robert  
Clemons, Jane  
Dokmo, Cynthia  
Fenton, James  
Foster, Linda  
Goulet, Maurice  
Holley, Sylvia  
Kelley, Robert  
Leishman, Peter  
Luebker, Bernard  
McDonald, James, Sr.  
Messier, Irene  
Murphy, Robert  
Piteri, Dawn  
Thulander, O. Alan  
White, Jay

Amidon, Eleanor  
Bergin, Peter  
Burke, M. Virginia  
Christiansen, Lars  
D'Allesandro, Lou  
Durham, Susan  
Ferguson, Charles  
Gagnon, Eugene  
Hansen, Herbert  
Hunter, Bruce  
Kurk, Neal  
Lessard, Rudy  
MacGillivray, Jeffrey  
McGough, Tim  
Milligan, Robert  
O'Hearn, Jane  
Riley, Frances  
Turgeon, Roland  
Williams, Carol

**MERRIMACK**

Adams, Stephen  
Crowell, Peter  
Hoadley, Elizabeth  
Langer, Ray  
Marshall, Kenneth  
Seldin, Gloria

Anderson, Eric  
Feuerstein, Martin  
Jacobson, Alf  
Larrabee, David  
Maxfield, Roy  
Whalley, Michael

Chandler, Earle  
Fraser, Marilyn  
Krueger, Patricia  
Lavoie, Gerard  
Morrill, Olive  
Whittemore, James

Colburn, Thomas  
Hess, David  
Lamach, Bernard  
Leber, William  
Nichols, Avis

**ROCKINGHAM**

Arndt, Janet  
Camm, Kevin  
Christie, Andrew, Jr.  
Dolan, Richard  
Dunham, Vivian  
Francoeur, Sheila  
Heath, John  
Katsakiores, Phyllis  
Letourneau, Robert  
McCarthy, John, Jr.

Beaulieu, Jon  
Carson, Gregory  
Cooney, Richard  
Dowd, Sandra  
Fesh, Robert  
Frechette, Joseph  
Henderson, Warren  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McKinney, Betsy

Belanger, Ronald  
Case, Margaret  
Dearborn, Bruce  
Downing, Michael  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Micklon, Stephanie

Bishop, Franklin  
Cegelis, Mark  
Dodge, Robert  
Dube, LeRoy  
Flanders, John, Sr.  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
Malcolm, Kenneth  
Mikowski, Walter

Millard, Ralph  
 Raynowska, Bernard  
 Smith, Kevin  
 Varell, Thomas  
 Woods, Deborah

Morris, Debbie  
 Reardon, Neil  
 Stickney, Nancy  
 Vaughn, Charles

Nowe, Ronald  
 Schanda, Frank  
 Stone, Joseph  
 Welch, David

Noyes, Richard  
 Simmons, John Anthony  
 Tufts, J. Arthur  
 Weyler, Kenneth

### STRAFFORD

Bickford, David  
 Knowles, William  
 Torr, Franklin

Brennan, William  
 McKinley, Robert  
 Tsiros, William

Brown, Julie  
 Snyder, Clair

Kaen, Naida  
 Spear, Barbara

### SULLIVAN

Adler, Rudolf  
 Wiggins, Celestine

Cloutier, John

Ferland, Brenda

Leone, Richard

and reconsideration failed.

### SPECIAL ORDERS

Without objection the Speaker made the bills remaining on the day's Calendar, Special Orders for Wednesday, March 19, 1997.

### RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 19, 1997 at 9:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 327**, relative to pledges for loans, finance charge disclosure statements, debt adjusters, and consumer credit transactions.

**HB 334**, establishing guidelines for assessing the eligibility of certain providers for third party reimbursement.

**HB 370**, updating and making technical corrections in certain banking laws.

**HB 404**, establishing a committee to study providing universal catastrophic health coverage by establishing a statewide catastrophic risk pool.

**HB 453**, relative to the bank commissioner's regulation of sales finance companies and retail sellers.

**HB 483**, relative to regulation of securities.

**HB 511-FN-L**, requiring health insurers to provide coverage for certain supplies, services and education necessary in the treatment of diabetes.

**HB 580-FN**, providing that the proper place for filing security interests on manufactured housing is in the office where mortgages or real estate are filed or recorded.

**HB 611-FN**, making state securities laws comply with the National Securities Markets Improvement Act.

**HB 713**, relative to the names of foreign limited partnerships, and eliminating an annual notice requirement for limited liability partnerships.

**HB 809**, establishing a committee to study the feasibility of bringing the New England Patriots to New Hampshire.

**HB 202**, relative to the sale of air guns to minors and the use of air guns by minors and prohibiting the furnishing of arms to persons under 17.

**HB 236-FN**, to allow a person who is being stalked to obtain a protective order.

**HB 532-FN**, relative to the transportation of alcoholic beverages by a minor.

**HB 672-FN**, relative to lowering the allowable alcohol concentration for persons under 21 operating OHRVs.

**HB 735-FN**, adding certain conduct to that which constitutes aggravated felonious sexual assault and felonious sexual assault.

**HB 764**, relative to a person subject to a domestic violence petition applying to purchase a firearm.

**HB 770-FN**, relative to blood testing in the instance of motor vehicle fatalities and other instances.

**HB 328**, relative to hour limitations on voting.

**HB 291**, relative to the use of the terms "native," "local," and "our own" when referring to farm products.

**HB 540**, establishing a committee to study ways in which state agencies can be encouraged to assist small businesses to develop practices that comply with state law.

**HB 554**, relative to damages in suits brought by administrators of an estate.

**HB 624**, subjecting certain payments made to public employees upon resignation, discharge, or retirement to the right-to-know law.

**HB 711**, relative to post-termination commissions.

**HB 773-FN**, relative to intentional interference with child custody and visitation.

**HB 787-FN**, requiring the executive council to hold public hearings on judicial appointments.

**HB 805**, relative to homestead rights and revocable trusts.

**HB 429**, charging the advisory council on unemployment compensation with the task of studying the issue of unemployment compensation as it relates to the contingent work force and low wage workers.

**HB 478**, relative to workers' compensation compliance statements and making a technical correction.

**HB 381**, relative to public recreation and park areas in municipalities.

**HB 502**, placing limitations on warrant articles at special meetings.

**HB 701-L**, granting a municipality alternatives to accepting a tax deed to the property when the property owner is tax delinquent.

**HB 389**, relative to the water protection assistance program within the office of state planning.

**HB 452**, establishing a legislative oversight committee on telecommunications restructuring and relative to approval by the public utilities commission of tariffs for new telephone services.

**HJR 4**, urging the United States Congress and the Federal Energy Regulatory Commission to cooperate with state plans to restructure the electric utility industry.

**HJR 5**, urging the United States Congress and the United States Environmental Protection Agency to make certain changes in the Clean Air Act which would result in more cost effective air pollutant emission reductions.

**HB 117**, relative to Persian Gulf War bonus payments.

**HJR 7**, urging the United States Congress and the Veterans Administration to maintain adequate health care services for New Hampshire veterans.

**HB 662**, revising the laws relative to the use of dealer plates.

**HB 650**, relative to limited liability companies.

**HB 799**, regulating the sale of insurance by financial institutions.

**HB 455-FN-L**, relative to a preliminary breath test for alcohol concentration.

**HB 517-FN**, relative to aggravated felonious sexual assault.

**HB 527**, classifying smoke bombs as permissible fireworks.

**HB 696-FN-L**, authorizing the court to suspend the motor vehicle driver's license of a person convicted of criminal mischief when the court determines that a motor vehicle was used to abet the commission of criminal mischief.

**HB 276**, removing primary petition filing requirements for candidates who do not voluntarily accept campaign spending limitations.

**HB 211**, defining the terms "psychological injury" and related terms under the child protection act.

**HB 446**, prohibiting candidates of one party from accepting the nomination of another party.

**HB 171**, repealing the citizens advisory committee which advises the pesticide control board.

**HB 352**, modifying the definitions of "agriculture" and "farming" for certain purposes and adding a definition of "short rotation tree fiber farming."

**HB 368**, establishing the honorary position of artist laureate of the state of New Hampshire.

**HB 378**, regulating the practice of acupuncture.

**HB 469**, relative to the rules of the board of dental examiners.

**HB 632**, abolishing the water well board and transferring its authority to the department of environmental services.

**HB 470**, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:05 p.m.

### RECESS

### (Speaker Sytek in the Chair)

Rep. Wheeler moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 13**

Wednesday, March 19, 1997

The House assembled at 9:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Glorious God, as we begin our work this day grant unto each of us new energy and hope, humility and passion. Through all of our varied emotions, make us instruments of Your peace. Help us to welcome one another in a spirit of trust and truth so that we may persistently move beyond personal differences to collective compassion for the sake of Your justice and the common good. Amen.

Rep. Bernier led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Arnold, George Brown, Patricia Cote, Dowling, Felch, Feng, Beverly Gage, Lockwood, Morello, O'Connell, O'Rourke, Paul Taylor, Vincent and Wiggins, the day, illness.

Reps. Abbott, Ameen, Aranda, Channing Brown, Franks, Robert Kelley, Lynde, McNamara, Manning, McRae, Benjamin Moore, Musler, Rubin and Veazey, the day, important business.

Reps. Kevin Clemons and Irene Pratt, the day, illness in the family.

**INTRODUCTION OF GUESTS**

The Parkside Jr. High School band from Manchester, guests of the House. Connie Stone, wife of Rep. Stone. John Pelletier, son of Reps. Arthur and Marsha Pelletier.

**SPECIAL GUESTS**

The Girl's Varsity Volleyball Team from Moultonborough Academy and their coaches, guests of the House.

**SPECIAL ORDERS**

**HB 133**, establishing a family resource council to address the efficient delivery of services to children and families. **INEXPEDIENT TO LEGISLATE**

Rep. Kevin M. Smith for Judiciary and Family Law: The majority opinion was that while a council of this type may have been helpful 5 years ago, with the recent growth in new computer technologies, a council such as this is now unnecessary, and would almost definitely be obsolete in 2 years, if enacted. Another concern of the committee is the fact that the council would be duplicating already existing community family council centers, and would only be creating more bureaucracy at the higher levels. Vote 9-6.

Adopted.

**HB 365**, providing that communications made during family mediation shall be privileged. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra B. Keans for Judiciary and Family Law: This bill gives to a family mediators the same confidentiality privilege that this legislature confers on marital mediators. Family mediators are volunteers offering their services free of charge to non-profit programs throughout the state. The goals of family mediation are to keep families intact, prevent youths from becoming entangled in the criminal justice system, and improve the daily lives of family members. Families are frequently referred to these programs by the court, schools, and juvenile justice authorities. If the volunteer mediators can be compelled to appear in court to testify, the pool of mediators will vanish. This bill, is prompted by a recent case where a volunteer mediator might have been subpoenaed. Vote 9-3.

**Amendment (0221h)**

Amend the bill by replacing section1 with the following:

1 New Section; Family Mediator Privileged Communications. Amend RSA 516 by inserting after section 35 the following new section:

516:35-a Family Mediators.

I. Family mediation proceedings shall be held in private, and all communications, oral or written, made in the proceedings shall be privileged and confidential and shall not be disclosed, except as provided in paragraph III of this section.

II. Nothing said by the parties during family mediation sessions shall be admissible in any court proceedings.

III. No family mediator shall be subpoenaed by any court of competent jurisdiction in this state to disclose any information received from any client unless:

(a) The family mediator has received material information alleging abuse or sexual abuse or neglect, as defined by RSA 169-C or RSA 173-B.

(b) The family mediator has received information about a felony that has been or is about to be committed.

IV. In this section:

(a) "Family mediation" means a process by which an impartial third person or persons, with the consent of the parties, assists and enables the members of a family or household to work together to communicate about common concerns and to reach mutually satisfactory agreements to disputes.

(b) "Family mediator" means an impartial third person who, with the consent of the participating family or household members, assists and enables those participants to communicate about common concerns and to reach mutually satisfactory agreements to disputes.

Adopted.

Report adopted and ordered to third reading.

**HB 421**, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara Hull Richardson for Judiciary and Family Law: This bill extends civil rights in employment, public accommodations and housing accommodations to include persons regardless of their sexual orientation. The Manchester Diocese supports this bill. The definition of sexual orientation does not render lawful any conduct prohibited by the criminal laws of New Hampshire. Vote 13-3.

#### Amendment (0602h)

Amend the title of the bill by replacing it with the following:

**AN ACT** amending the law against discrimination to prohibit discrimination on account of a person's sexual orientation.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. While the state of New Hampshire does not intend to promote or endorse any sexual lifestyle other than the traditional marriage-based family, the legislature recognizes the need to provide protection in certain areas to individuals on account of their sexual orientation.

2 New Section; Definition of Sexual Orientation. Amend RSA 21 by inserting after section 48 the following new section:

21:49 Sexual Orientation. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, bisexuality or homosexuality. This definition is intended to describe the status of persons and does not render lawful any conduct prohibited by the criminal laws of this state or impose any duty on a religious organization. This definition does not confer legislative approval of such status, but is intended to assure the basic rights afforded under New Hampshire law.

3 Adding Reference; Division of Personnel. Amend 21-I:42, XVI to read as follows:

XVI. Developing and implementing an equal employment opportunity program that will ensure the employment of all qualified people regardless of age, sex, race, color, *sexual orientation*, ethnic background, marital status, or physical or mental disability. This program shall include a review and revision of the job classification process and testing process to ensure that they are free from either conscious or inadvertent bias.

4 Adding Reference; State Employees. Amend RSA 21-I:52, I to read as follows:

I. No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of ~~his~~ *the person's* political opinions, religious beliefs or affiliations, age, sex, or race~~[- provided, however, that]~~. *In addition, no person shall have any such employ-*

*ment action taken on account of such person's sexual orientation.* Nothing in this section shall require the appointment or prevent the dismissal of any person who advocates the overthrow of the government by unconstitutional and violent means. No person shall use, or promise to use directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No employee in the state classified service shall hold any remunerative elective public office, or have other employment, either of which creates an actual, direct and substantial conflict of interest with *[his] the employee's* employment, which conflict cannot be alleviated by said employee abstaining from actions directly affecting *[his] such* classified employment. Determination of such conflict shall be made by the personnel appeals board after the parties are afforded rights to a hearing pursuant to RSA 21-I:58. The burden of proof in establishing such a conflict shall be upon the party alleging it. No action affecting said employee shall be taken by the appointing authority because of such public office or other employment until after a full hearing before and approval of such action by the personnel appeals board. If an actual, direct and substantial conflict of interest, which cannot be alleviated by abstention by the employee, is found by the personnel appeals board, the board must approve any action proposed by the appointing authority; and the employee shall be given a reasonable amount of time to leave *[his] the employee's* public office or other employment or otherwise end the conflict before the appointing authority initiates that action.

5 Reference Added; Appeals under the Personnel Rules. Amend RSA 21-I:58, I to read as follows:

I. Any permanent employee who is affected by any application of the personnel rules, except for those rules enumerated in RSA 21-I:46, I and the application of rules in classification decisions appealable under RSA 21-I:57, may appeal to the personnel appeals board within 15 calendar days of the action giving rise to the appeal. The appeal shall be heard in accordance with the procedures provided for adjudicative proceedings in RSA 541-A. If the personnel appeals board finds that the action complained of was taken by the appointing authority for any reason related to politics, religion, age, sex, race, color, ethnic background, marital status, or disabling condition, *on account of the person's sexual orientation* or was taken in violation of a statute or of rules adopted by the director, the employee shall be reinstated to the employee's former position or a position of like seniority, status, and pay. The employee shall be reinstated without loss of pay, provided that the sum shall be equal to the salary loss suffered during the period of denied compensation less any amount of compensation earned or benefits received from any other source during the period. "Any other source" shall not include compensation earned from continued casual employment during the period if the employee held the position of casual employment prior to the period, except to the extent that the number of hours worked in such casual employment increases during the period. In all cases, the personnel appeals board may reinstate an employee or otherwise change or modify any order of the appointing authority, or make such other order as it may deem just.

6 Changing Reference. Amend RSA 151:21, XVI to read as follows:

XVI. The patient shall not be denied appropriate care on the basis of race, religion, color, national origin, sex, age, disability, marital status, ~~[sexual preference]~~ or source of payment, *nor shall any such care be denied on account of the patient's sexual orientation.*

7 Changing Reference. Amend RSA 151:21-b, II(b) to read as follows:

(b) Receive appropriate and professional care without discrimination based on race, color, national origin, religion, sex, ~~[sexual preference]~~ disability, or age, *nor shall any such care be denied on account of the patient's sexual orientation.*

8 Adding Reference. Amend RSA 354-A:1 to read as follows:

354-A:1 Title and Purposes of Chapter. This chapter shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights. The general court hereby finds and declares that practices of discrimination against any of its inhabitants because of age, sex, race, creed, color, marital status, familial status, physical or mental disability or national origin are a matter of state concern, that such discrimination not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants. A state agency is hereby

created with power to eliminate and prevent discrimination in employment, in places of public accommodation and in housing accommodations because of age, sex, race, creed, color, marital status, familial status, physical or mental disability or national origin as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes. *In addition, the agencies and council's so created shall exercise their authority to assure that no person be discriminated against on account of sexual orientation.*

9 New Paragraph; Definition of Sexual Orientation. Amend RSA 354-A:2 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, bisexuality or homosexuality. This definition is intended to describe the states of persons and does not render lawful any conduct prohibited by the criminal laws of this state or impose any duty on a religious organization. This definition does not confer legislative approval of such status, but is intended to assure basic rights afforded under this chapter.

10 Adding Reference. Amend RSA 354-A:5, VIII and IX to read as follows:

VIII. To create such advisory agencies and conciliation councils, local, regional or statewide, as in its judgment will aid in effectuating the purpose of this chapter, and the commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination, because of age, sex, race, color, *sexual orientation*, marital status, familial status, or physical or mental disability, religious creed or national origin, in order to foster, through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the population of the state, and make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the commission may make provision for technical clerical assistance to such agencies and councils and for the expenses of such assistance.

IX. To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of age, sex, race, color, marital status, familial status, physical or mental disability, religious creed or national origin *and on account of sexual orientation.*

11 Adding Reference. Amend RSA 354-A:6 to read as follows:

354-A:6 Opportunity for Employment Without Discrimination a Civil Right. The opportunity to obtain employment without discrimination because of age, sex, race, creed, color, marital status, physical or mental disability or national origin is hereby recognized and declared to be a civil right. *In addition, no person shall be denied the benefits of the rights afforded by this section on account of that person's sexual orientation.*

12 Adding Reference. Amend RSA 354-A:7, I-III to read as follows:

I. For an employer, because of the age, sex, race, color, marital status, physical or mental disability, religious creed, or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification. *In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.*

II. For a labor organization, because of the age, sex, race, color, marital status, physical or mental disability, creed, or national origin of any individual, to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless based upon a bona fide occupational qualification. *In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.*

III. For any employer or employment agency to print or circulate or to cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, sex, race, color, marital status, physical or mental disability, religious creed or national origin or any intent to make any such limitation, specification or discrimination in any way on the ground of age, sex, race, color,

marital status, physical or mental disability, religious creed or national origin, unless based upon a bona fide occupational qualification; provided, however, that nothing in this chapter shall limit an employer after the offer of hire of an individual from inquiring into and keeping records of any existing or pre-existing physical or mental conditions. ***In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.***

13 Adding Reference. Amend RSA 354-A:8 to read as follows:

354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to obtain housing without discrimination because of age, sex, race, creed, color, marital status, familial status, physical or mental disability or national origin is hereby recognized and declared a civil right. ***In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.***

14 Adding Reference. Amend RSA 354-A:10 to read as follows:

354-A:10 Unlawful Discriminatory Practices. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, sublessee, assignee, managing agent or other person having the right to rent or lease a dwelling or commercial structure or being in the business of selling or renting dwellings or commercial structures:

I. To refuse to sell or rent after the receipt of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or commercial structure to any person because of age, sex, race, color, marital status, familial status, physical or mental disability, religion or national origin. ***In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.***

II. To discriminate against any person in the terms, conditions, or privilege of sale or rental of a dwelling or commercial structure, or in the provision of services or facilities in connection therewith, because of age, sex, race, color, marital status, familial status, physical or mental disability, religion or national origin. ***In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.***

III. To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling or commercial structure that indicates any preference, limitation, or discrimination based on age, sex, race, color, marital status, familial status, physical or mental disability, religion or national origin, or an intention to make any such preference, limitation or discrimination. ***In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.***

IV. To represent to any person because of age, sex, race, color, marital status, familial status, physical or mental disability, religion or national origin that any dwelling or commercial structure is not available for inspection, sale, or rental when such dwelling is in fact so available.

V. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular age, sex, race, color, marital status, familial status, physical or mental disability, religion or national origin. ***In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.***

VI. To evict a tenant solely on the grounds that the person has acquired immune deficiency syndrome (AIDS) or is regarded to have acquired immune deficiency syndrome.

VII. For any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of age, race, color, religion, sex, disability, familial status, marital status, or national origin. ***In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.***

15 Adding Reference. Amend RSA 354-A:16 and 17 to read as follows:

354-A:16 Equal Access to Public Accommodations a Civil Right. The opportunity for every individual to have equal access to places of public accommodation without discrimination because of age, sex, race, creed, color, marital status, physical or mental disability or national origin is hereby recognized and declared to be a civil right. ***In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.***

354-A:17 Unlawful Discriminatory Practices in Public Accommodations. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, because of the age, sex, race, creed, color, marital status, physical or mental disability or national origin of any person, directly

or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof; or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of age, sex, race, creed, color, marital status, physical or mental disability or national origin; or that the patronage or custom thereat of any person belonging to or purporting to be of any particular age, sex, race, creed, color, marital status, physical or mental disability or national origin is unwelcome, objectionable or acceptable, desired or solicited. *In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.*

16 Clarifying Reference. Amend RSA 651:6, I(g) to read as follows:

(g) He was substantially motivated to commit the crime because of hostility towards the victim's religion, race, creed, sexual orientation *as defined in RSA 21:49*, national origin or sex; or

17 Applicability. Nothing in this act shall be interpreted to permit adoptions by homosexuals or to allow marriage of persons of the same sex.

18 Effective Date. This act shall take effect January 1, 1998.

### AMENDED ANALYSIS

This bill prohibits the denial of the benefit of the rights afforded under the employment, public accommodations, and housing accommodations law on account of a person's sexual orientation.

The bill also clarifies references to sexual orientation and sexual preference in the patient's bill of rights and the criminal code.

Adopted.

Rep. Adams spoke against.

Reps. Keans and Carol Moore spoke in favor and yielded to questions.

Rep. Daniels spoke against and yielded to questions.

Rep. Cushing non-spoke in favor.

Rep. Donald White requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

### YEAS 205 NAYS 125

#### YEAS 205

#### BELKNAP

Lawton, Robert                      Ziegler, Alice

#### CARROLL

Babson, David, Jr.                      Bradley, Jeb                      Dickinson, Howard, Jr.                      Mock, Henry  
Patten, Betsey

#### CHESHIRE

|                     |                |                    |                    |
|---------------------|----------------|--------------------|--------------------|
| Avery, Stephen      | Bonneau, Sarah | Burnham, Daniel    | Champagne, Richard |
| Doucette, Richard   | Hunt, John     | Lynch, Margaret    | Lynott, Margaret   |
| McGuirk, Paul       | Meador, David  | Metzger, Katherine | Pratt, John        |
| Richardson, Barbara | Riley, William | Robertson, Timothy | Russell, Ronald    |
| Smith, Edwin        | Vogl, John     |                    |                    |

#### COOS

|                  |                 |                  |                 |
|------------------|-----------------|------------------|-----------------|
| Bradley, Paula   | Coulombe, Henry | Coulombe, Yvonne | Davis, Perley   |
| Hawkinson, Marie | Horton, Lynn    | Mears, Edgar     | Moynihan, Wayne |
| Tholl, John, Jr. |                 |                  |                 |

#### GRAFTON

|                    |                    |               |                |
|--------------------|--------------------|---------------|----------------|
| Akins, Ralph       | Alger, John        | Almy, Susan   | Below, Clifton |
| Copenhaver, Marion | Eaton, Stephanie   | Guest, Robert | Ham, Bonnie    |
| Hill, Richard      | Lovett, Sidney     | Luker, Elsa   | Mirski, Paul   |
| Nordgren, Sharon   | Teschner, Douglass |               |                |

**HILLSBOROUGH**

|                           |                     |                   |                     |
|---------------------------|---------------------|-------------------|---------------------|
| Ackerman, Philip          | Alukonis, David     | Amidon, Eleanor   | Asselin, Robert     |
| Baroody, Benjamin         | Barry, William, III | Batula, Peter     | Belvin, William     |
| Bergin, Peter             | Bernier, Shannon    | Boutin, David     | Buckley, Raymond    |
| Cardin, Lori              | Chabot, Robert      | Clemons, Jane     | Cote, David         |
| Cote, Peter               | Daigle, Robert      | Dawe, Eileen      | Dokmo, Cynthia      |
| Drabinowicz, A. Theresa   | Durham, Susan       | Dwyer, Paul, Sr.  | Dyer, Merton        |
| Emerton, Lawrence, Sr.    | Ferguson, Charles   | Fields, Dennis    | Foster, Joseph      |
| Foster, Linda             | Gage, Ruth          | Gagnon, Eugene    | Ginsburg, Ruth      |
| Haettenschwiler, Alphonse | Hall, Betty         | Hansen, Herbert   | Hart, Nick          |
| Holden, Carol             | Jean, Claudette     | Johnson, Lionel   | Kurk, Neal          |
| LaRose, Richard           | Leishman, Peter     | Leonard, Peter    | Lozeau, Donnalee    |
| MacAuslan, Rita           | Martin, Mary        | McCarthy, William | McCarty, Winston    |
| Melcher, Harold           | Mercer, Robert      | Messier, Irene    | Mittelman, David    |
| Murphy, Robert            | O'Hearn, Jane       | Perkins, Paul     | Peterson, Andrew    |
| Reidy, Frank              | Sargent, Maxwell    | Turgeon, Roland   | Vaillancourt, Steve |
| Welch, Donald             | Wheeler, Robert     | White, Jay        | Williams, Carol     |

**MERRIMACK**

|                 |                    |                   |                   |
|-----------------|--------------------|-------------------|-------------------|
| Anderson, Eric  | Burney, Carol      | Crosby, Toni      | Daneault, Gabriel |
| Dunn, Miriam    | Feuerstein, Martin | Fraser, Marilyn   | French, Barbara   |
| Gile, Mary      | Hager, Elizabeth   | Hess, David       | Jacobson, Alf     |
| Lamach, Bernard | Marshall, Kenneth  | Maxfield, Roy     | Moore, Carol      |
| Owen, Derek     | Reardon, Tara      | Rogers, Katherine | Seldin, Gloria    |
| St. Cyr, Gerard | Wallin, Jean       | Yeaton, Charles   |                   |

**ROCKINGHAM**

|                   |                    |                      |                     |
|-------------------|--------------------|----------------------|---------------------|
| Belanger, Ronald  | Blanchard, MaryAnn | Cegelis, Mark        | Clark, Martha       |
| Coes, Betsy       | Cushing, Robert    | Dube, LeRoy          | Francoeur, Sheila   |
| Frechette, Joseph | Heath, John        | Henderson, Warren    | Hutchinson, Rebecca |
| Johnson, Robert   | Kane, Cecelia      | Kelley, Jane         | Langley, Jane       |
| Langone, John     | Major, Norman      | McCarthy, John, Jr.  | McGovern, Cynthia   |
| McKinney, Betsy   | Norelli, Terie     | Noyes, Richard       | O'Keefe, Patricia   |
| Pantelakos, Laura | Sabella, Norma     | Schanda, Frank       | Stone, Joseph       |
| Syracusa, Anthony | Tufts, J. Arthur   | Weatherspoon, Jackie | Woods, Deborah      |

**STRAFFORD**

|                   |                      |                 |                  |
|-------------------|----------------------|-----------------|------------------|
| Berube, Roger     | Brennan, William     | Brown, Julie    | DeChane, Marlene |
| Dunlap, Patricia  | Estabrook, Iris      | Grassie, Anne   | Hemon, Roland    |
| Hilliard, Dana    | Kaen, Naida          | Keans, Sandra   | Knowles, William |
| Lundborn, Raymond | McCann, William, Jr. | Merrill, Amanda | Merritt, Deborah |
| Pelletier, Arthur | Rogers, Rose Marie   | Rollo, Michael  | Smith, Marjorie  |
| Snyder, Clair     | Spear, Barbara       | Sullivan, Henry | Taylor, Kathleen |
| Torr, Ann         | Tsiros, William      | Twardus, Joseph | Vachon, Dennis   |
| Wall, Janet       |                      |                 |                  |

**SULLIVAN**

|                  |                |                 |                  |
|------------------|----------------|-----------------|------------------|
| Allison, David   | Burling, Peter | Cloutier, John  | Donovan, Thomas  |
| Flint, Gordon    | Leone, Richard | Lindblade, Eric | Palmer, Lorraine |
| Schotanus, Merle |                |                 |                  |

**NAYS 125****BELKNAP**

|                  |                   |                |                |
|------------------|-------------------|----------------|----------------|
| Bartlett, Gordon | Boriso, Thomas    | Boyce, Robert  | Clark, Charles |
| Golden, Paul     | Holbrook, Robert  | Laffam, Robert | Lawton, David  |
| Pilliod, James   | Rice, Thomas, Jr. | Rosen, Ralph   | Thomas, John   |
| Turner, Robert   |                   |                |                |

**CARROLL**

|                |                 |                    |                   |
|----------------|-----------------|--------------------|-------------------|
| Chandler, Gene | Cooper, Kipp    | Foster, Robert     | Howard, Godfrey   |
| Kenney, Joseph | Lyman, L. Randy | MacDonald, Kenneth | Philbrick, Donald |

**CHESHIRE**

|                   |                    |
|-------------------|--------------------|
| Royce, H. Charles | Steere, Myron, III |
|-------------------|--------------------|

**COOS**

|                |                 |                 |                   |
|----------------|-----------------|-----------------|-------------------|
| Guay, Lawrence | Merrill, Gerald | Pratt, Leighton | St. Hilaire, Paul |
|----------------|-----------------|-----------------|-------------------|

**GRAFTON**

|                        |                |                    |                |
|------------------------|----------------|--------------------|----------------|
| Chase, Paul, Jr.       | Cobbin, Philip | Guaraldi, Lawrence | MacNeil, Allen |
| Phinney, William       | Root, John     | Trelfa, Richard    | Weber, Phil    |
| Williams, William, Jr. |                |                    |                |

**HILLSBOROUGH**

|                       |                    |                       |                      |
|-----------------------|--------------------|-----------------------|----------------------|
| Briefs, Geoffrey      | Brundige, Robert   | Burke, M. Virginia    | Calawa, Leon, Jr.    |
| Carlson, Donald       | Christiansen, Lars | Clegg, Robert, Jr.    | Daniels, Gary        |
| Flora, Kathleen       | Golding, William   | Gosselin, Gerald      | Goulet, Maurice      |
| Herman, Keith         | Holley, Sylvia     | Hunter, Bruce         | L'Heureux, Robert    |
| Lefebvre, Roland      | Lessard, Rudy      | Letendre, Evelyn      | Luebker, Bernard     |
| MacGillivray, Jeffrey | MacIntyre, Doris   | Marcinkowski, Michael | McDonald, James, Sr. |
| McGough, Tim          | Milligan, Robert   | Murch, George         | Riley, Frances       |
| Searles, Stanley, Sr. | Thulander, O. Alan | White, Donald         | Wright, George       |

**MERRIMACK**

|                    |                   |                  |                 |
|--------------------|-------------------|------------------|-----------------|
| Adams, Stephen     | Brown, Mary       | Chandler, Earle  | Crowell, Peter  |
| Hoadley, Elizabeth | Krueger, Patricia | Langer, Ray      | Larrabee, David |
| Lavoie, Gerard     | Leber, William    | Morrill, Olive   | Nichols, Avis   |
| Pfaff, Terence     | Whalley, Michael  | Whitemore, James |                 |

**ROCKINGHAM**

|                    |                       |                      |                    |
|--------------------|-----------------------|----------------------|--------------------|
| Arndt, Janet       | Beaulieu, Jon         | Bishop, Franklin     | Camm, Kevin        |
| Cooney, Richard    | Dearborn, Bruce       | Dodge, Robert        | Dolan, Richard     |
| Dowd, Sandra       | Downing, Michael      | Dunham, Vivian       | Fesh, Robert       |
| Flanagan, Natalie  | Flanders, John, Sr.   | Gibbons, Paul        | Gleason, John      |
| Griffin, Mary      | Katsakiores, George   | Katsakiores, Phyllis | Klemm, Arthur, Jr. |
| Kobel, Rudolph     | Letourneau, Robert    | Malcolm, Kenneth     | Mikowski, Walter   |
| Millard, Ralph     | Morris, Debbie        | Nowe, Ronald         | Packard, Sherman   |
| Raynowska, Bernard | Simmons, John Anthony | Smith, Kevin         | Stickney, Nancy    |
| Stritch, C. Donald | Varrell, Thomas       | Welch, David         | Weyler, Kenneth    |

**STRAFFORD**

|                  |                  |                |
|------------------|------------------|----------------|
| Callaghan, Frank | McKinley, Robert | Torr, Franklin |
|------------------|------------------|----------------|

**SULLIVAN**

|               |                 |                  |
|---------------|-----------------|------------------|
| Adler, Rudolf | Ferland, Brenda | Krueger, Richard |
|---------------|-----------------|------------------|

and the majority report was adopted.

Ordered to third reading.

Rep. Loren Jean declared a conflict of interest and did not participate.

Rep. Clay did not vote and wished to be recorded in favor.

Rep. Lockwood wished to be recorded in favor.

**REMARKS**

Rep. Kurk moved that his questions and the responses of Rep. Carol Moore be printed in the Journal. Adopted.

Rep. Kurk: Thank you, Madam Speaker. My question, Madam Speaker, is this: If I am an employer and this bill passes and I offer health insurance to my employees, would I be required under this bill to extend that also to the domestic partners of my employees who are homosexual, if I extend the insurance coverage to families of my employees?

Rep. Carol Moore: Absolutely not. This bill deals only with housing for the particular individual, public accommodations and jobs. There is nothing about covering insurance for the partners of people who are homosexual.

Rep. Kurk: Thank you Rep. Moore; thank you Madam Speaker. The second question is with the elderly exemption, which many of our communities have adopted. If this bill passes, would a community be required to extend that benefit to the homosexual partner of a person who otherwise qualifies, just as today that is extended to the spouse of a person who otherwise qualifies?

Rep. Carol Moore: I believe I just answered that, Rep. Kurk. This does not involve partners unless the partner, him or herself, is the person involved in job discrimination, housing discrimination or public accommodation discrimination. There is nothing in this bill that sanctions homosexual couples and there is nothing that guarantees rights in the same way that heterosexual marriages get benefits.

### SPECIAL ORDERS (CONT'D.)

**HR 16**, urging that impeachment proceedings be instituted against Strafford county probate court judge Gary R. Cassavechia. **INEXPEDIENT TO LEGISLATE**

Reps. Deborah L. Woods, Barbara Hull Richardson, Marjorie K. Smith, Cynthia A. McGovern, Lionel W. Johnson, Janet G. Wall, David C. Allison, Kevin H. Smith, Alf E. Jacobson, Sandra B. Keans, Susan J. Clay and Irene A. Pratt for Judiciary and Family Law: This legislation is essentially the same as HR 51 of the 1996 session and HR 46 of the 1994 session. Both were overwhelmingly voted down by this committee and the full House. For the 3<sup>rd</sup> time this committee is convinced that this legislation is a personal vendetta against Judge Cassavechia and for the 3<sup>rd</sup> time unanimously votes ITL. It cannot be stated strongly enough that we feel this resolution has *no merit whatsoever*. Vote 13-0.

Rep. McCann moved Recommit to Committee, spoke in favor and yielded to questions.

Rep. Jacobson requested a Quorum Count.

The Speaker declared a quorum present.

Reps. Jacobson and Holden spoke against.

Rep. Mirski spoke in favor.

Rep. Cobbin spoke in favor and yielded to questions.

On a division vote, 51 members having voted in the affirmative and 286 in the negative, the motion failed.

Report adopted.

Reps. Jeb Bradley and Bonneau declared conflicts of interest and did not participate.

### PROTESTS

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. McCann requested that his protest be entered on the Journal.

I submit my testimony, given before the House Judiciary and Family Law Committee on March 4, 1997, as my protest to the ill-advised vote which is a free speech issue, which was ignored by the Committee because of its bias against the prime sponsor.

I appear as a co-sponsor of HR 16 because I felt it necessary to acquaint the Judiciary Committee of my first-hand involvement with Judge Gary Cassavechia, from 1990 until he issued his unconstitutional order of July 12, 1993, wherein he ordered that I be investigated by the Attorney General's office and the office of the Strafford County Attorney. He alleged that my petition known as document #42, dated August 2, 1992, was a possible threat under RSA 640:3. This action clearly attempted to deny the people of Strafford District 11 their rights under Part I, Article 30 of the New Hampshire Constitution. This action could be deemed malpractice and/or maladministration in office which is an impeachable offense under Part 2, Article 38 of the New Hampshire Constitution. Further, the issuing of said order calls into question the mental process of the judge in defending his actions to conform with Article 80, Part 2 of the Consti-

tution regarding "Jurisdiction which shall be exercised as the legislature have directed." Since 1990, I have worked with Mr. Hemon, now Rep. Hemon, to determine how his mother's estate located in Maine and Florida would come under the jurisdiction of a New Hampshire court. To do this, I arranged for Mr. Hemon to meet with Emily Rice of the Attorney General's office. Following that meeting, I wrote to then Attorney General John Arnold on September 21, 1991. In that letter, I expressed my concern about the actions or lack thereof, and requested that the Department of Justice reconsider their position and failing that they at least provide me with reasons for their decision.

Several months later, I wrote to then Governor Judd Gregg regarding the matter. This was done not only because of my concern regarding my constituent's rights but because one of the wills in question involved a bequest to the University of New Hampshire. I believe the will, dated 25 February 1976, conveyed about a third of the estate to the UNH Mechanical Division. I expressed to Governor Gregg my concern that the University system could become a party to this case because of an impending action by Judge Cassavechia, thus incurring legal costs. Needless to say, as most members of this General Court have come to expect, the Attorney General took no action. So, only after requesting the executive branch to act, did I then consider requesting the courts to act. On August 2, 1992, I filed a petition with Judge Cassavechia which presented him with 13 facts, number 12 of which was my interest in this case for what could be learned as an example "can be a source of remedial legislation aimed at preventing acts in the future." After I filed the petition, nothing happened until Wednesday, December 16, 1992, which was two weeks after Rep. Hemon was sworn into office. During the hearing, there was discussion about various wills and I was asked about my role at the hearing by Judge Cassavechia. I reiterated by position that my interest was in future remedial legislation. I then spent the rest of the hearing as an observer while Rep. Hemon, Attorney McIntosh and Attorney Satter discussed procedures for a hearing to be held on September 29, 1993. My recollection is the hearing took less than an hour at best.

On July 12, 1993, Judge Cassavechia issued his order. In that order Judge Cassavechia characterized my petition as "an attempted infringement" of the separation of powers outlined in Part 1, Article 37, which position on the fact, may appear to some as perhaps reasonable. However, in view of Part 2, Article 4 and Part 2, Article 80, Judge Cassavechia ignores the role of the General Court to "forever have full power and authority to erect and constitute courts of record, or other courts" (Part 2, Article 4) or the fact that probate courts' power "shall be exercised....in such a manner as the legislature have directed" (Part 2, Article 80). So the Judge views Document 42 as an "infringement" of Part 2, Article 37, not a threat to him. He then proceeds to deny the petition know as Document 42. While I do not necessarily agree with his action, he is not guilty of malpractice or maladministration by dismissing Document 42. However, two paragraphs later in the order, he orders the registrar to forward a copy of Document 42 to the Attorney General's Office and to the Strafford County Attorney's office with possible sanction of my being charged with a Class B felony. So, in this instance a sitting member of the Judiciary orders the Executive Branch of government to launch an investigation against a sitting member of the General Court, with the possible outcome being a charge of a Class B felony to be handed up whereby the voters of Strafford District 11 are denied their rights under Part 1, Article 30. This action on its face is more of a violation of the separation of powers than my filing Document 42. Therefore, I must conclude that Judge Cassavechia violated Part 1, Article 37 and Part 1, Article 30 of our Constitution and in doing so is guilty of malpractice and maladministration which are impeachable offenses under the New Hampshire Constitution. Therefore, this resolution requests that in accord with Part 2, Article 17 of our Constitution this House sit in Grand Inquest and make recommendation to the Senate to impeach Judge Cassavechia. My petition did not threaten Judge Cassavechia. It told him I was looking to seek remedial legislation based on case A23695 and it asked him to address the motion of Rep. Hemon that the court declare itself without jurisdiction and answer the 85 statements submitted by Rep. Hemon. In regard to remedial legislation, I have submitted HB 394 to this Committee as a result of my inquiries into Case A23695. You will also recall that at the hearing on 20 February, 1997, Judge Maher, the head of the Probate Court, also brought to this Committee's attention the previous remedial legislation I had filed in 1993 and 1994 dealing with probate jurisdiction in accord with Part 2, Article 80. I acted in accord

with our Constitution; Judge Cassavechia tried to obstruct it by filing his threat against me on 12 July, 1993. Based on these facts, I urge you to begin impeachment proceedings by recommending a Committee of the Whole House convene this fall as a Grand Inquest to indict Judge Cassavechia in accordance with the Constitution.

When Judge Maher appeared before the Committee, he went out of his way to mislead the Committee about Keefe v. Roberts. Yes, the facts in question dealt with an internal problem of a Speaker trying to get a quorum. However, the Supreme Court had to deal with two separate articles of the Constitution, Part 1, Article 30 and Part 2, Article 21. Therefore, the Court had to take a hard look at just what rights members have. This is the only case ever and the Court came down four square on the rights of a member. So, contrary to the lie of Judge Maher, the Court took the case seriously and made a strong case for upholding the right of free speech. Specifically, the Supreme Court, in Keefe v. Roberts, compared Part 1, Article 30 as equivalent to Article 1, Section 6 of the United States Constitution which insures legislative privilege. It then went on to say that Part 1, Article 30 preserves the principle that the legislature must be free both to speak and act without fear of criminal or civil liability. "This article is the equivalent of the speech or debate clause, Article 1, Section 6 of the United States Constitution which insures legislative privilege in the federal system.

This State, in its constitution of 1784, was one of the first to preserve the principle that the legislature must be free to both speak and act without fear of criminal or civil liability, Tenney v. Brandhove, 341 U.S. 367, 375 (1951). The immunities are intended to protect the integrity of the legislative process by insuring the independence of individual legislators."

The Court further stated the immunities are intended to protect the integrity of the legislative process by insuring the independence of individual legislators. The Court then proceeded to articulate what acts are protected. They said the Constitution must be read broadly. They cited Coffin v. Coffin, 4 Mass 1,27 where Chief Justice Parsons stated, "I will not confine it to delivering an opinion, uttering a speech, or haranguing in debate; but will extend it to the giving of a vote, to the making of a written report, and to every other act resulting from the nature, and in the execution, of the office; and I would define the article as securing to every member exemption from prosecution, for everything said or done by him, as a representative, in the exercise of the functions of that office, without inquiring whether the exercise was regular according to the rules of the House, or irregular and against their rules."

When Judge Cassavechia issued his order/decreed of July 12, 1993, he was in effect filing a complaint against me. This is specifically prohibited by Part 1, Article 30 which states in part, "it cannot be the foundation of any complaint..in any place whatsoever." The Judiciary Committee totally ignored the egregious action by the Judge against one of its fellow members simply because of their bias against another member. That is wrong and justice and the Constitution demand that they correct this travesty of your rights and mine.

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Hemon requested that his protest be entered on the Journal.

I, Representative Roland E. Hemon, Strafford 11, wish to file a protest pursuant to Article 24, Part 2 of the New Hampshire Constitution, because the House of Representatives refused to send HR 16, the matter of impeaching Judge Gary R. Cassavechia, to the Senate for trial pursuant to Article 38, Part 2 of the New Hampshire Constitution, though there were many triable issues to justify a decision for trial.

### SPECIAL ORDERS (CONT'D.)

**HB 768-FN**, relative to certain abortions. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS

Rep. Cynthia A. McGovern for the Majority of Judiciary and Family Law: The United States Supreme Court has ruled repeatedly that a woman has a constitutionally protected right to obtain an abortion of a nonviable fetus free from government intrusion, and an abortion of a viable fetus if her life or health is at risk. Such medical decisions cannot be made by this, or any, legislature. They must remain where they belong - with the woman, her conscience and her physician. HB 768 places an impermissible and unconstitutional burden on a woman's right to choose. Vote 9-7. Rep. Paul M. Mirski for the Minority of Judiciary and Family Law: Partial birth abortion is a procedure which entails delivering a baby in the breech position until only its head is left in the mother. At this point, scissors are used to open a hole in the upper portion of the baby's neck, a

catheter tube is then inserted in the hole created by the scissors in order to suck the baby's brains out, collapsing the skull and permitting delivery of the inert remains. Every doctor testifying at the hearing supported the bill and described the procedure as barbaric, gruesome, and unnecessary. They all agreed that this procedure falls just short of legal infanticide.

Reps. Patricia Krueger and Flora spoke against and yielded to questions.

Reps. Marjorie Smith, Schotanus and Hager spoke in favor and yielded to questions.

Rep. Mary Brown spoke against.

Rep. Kevin Smith requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 217 NAYS 137

### YEAS 217

#### BELKNAP

|                  |                |                    |              |
|------------------|----------------|--------------------|--------------|
| Bartlett, Gordon | Pilliod, James | Salatiello, Thomas | Thomas, John |
| Turner, Robert   | Ziegra, Alice  |                    |              |

#### CARROLL

|                        |                   |                 |                    |
|------------------------|-------------------|-----------------|--------------------|
| Babson, David, Jr.     | Bradley, Jeb      | Chandler, Gene  | Cooper, Kipp       |
| Dickinson, Howard, Jr. | Foster, Robert    | Howard, Godfrey | MacDonald, Kenneth |
| Patten, Betsey         | Philbrick, Donald |                 |                    |

#### CHESHIRE

|                     |                |                    |                    |
|---------------------|----------------|--------------------|--------------------|
| Avery, Stephen      | Bonneau, Sarah | Burnham, Daniel    | Champagne, Richard |
| DePecol, Benjamin   | Hunt, John     | Lynch, Margaret    | Lynott, Margaret   |
| McGuirk, Paul       | Meader, David  | Metzger, Katherine | Pratt, John        |
| Richardson, Barbara | Riley, William | Robertson, Timothy | Royce, H. Charles  |
| Russell, Ronald     | Smith, Edwin   | Steere, Myron, III | Vogl, John         |

#### COOS

|                |                 |                  |                 |
|----------------|-----------------|------------------|-----------------|
| Bradley, Paula | Davis, Perley   | Hawkinson, Marie | Horton, Lynn    |
| Mears, Edgar   | Merrill, Gerald | Moynihan, Wayne  | Pratt, Leighton |

#### GRAFTON

|                    |               |                |                    |
|--------------------|---------------|----------------|--------------------|
| Alger, John        | Almy, Susan   | Below, Clifton | Copenhaver, Marion |
| Eaton, Stephanie   | Guest, Robert | Hill, Richard  | LaMott, Paul       |
| Lovett, Sidney     | Luker, Elsa   | MacNeil, Allen | Nordgren, Sharon   |
| Teschner, Douglass |               |                |                    |

#### HILLSBOROUGH

|                        |                     |                            |                   |
|------------------------|---------------------|----------------------------|-------------------|
| Ackerman, Philip       | Allen, W. Gordon    | Alukonis, David            | Amidon, Eleanor   |
| Baroody, Benjamin      | Barry, William, III | Belvin, William            | Bergin, Peter     |
| Bernier, Shannon       | Buckley, Raymond    | Calawa, Leon, Jr.          | Cardin, Lori      |
| Carlson, Donald        | Carney, Lauren      | Christiansen, Lars         | Clay, Susan       |
| Clemons, Jane          | Cote, David         | Cote, Peter                | Daigle, Robert    |
| Dawe, Eileen           | Dokmo, Cynthia      | Durham, Susan              | Dyer, Merton      |
| Emerton, Lawrence, Sr. | Ferguson, Charles   | Foster, Joseph             | Foster, Linda     |
| Gage, Ruth             | Ginsburg, Ruth      | Haettenschwiller, Alphonse | Hall, Betty       |
| Hansen, Herbert        | Hart, Nick          | Holt, David                | Hunter, Bruce     |
| Johnson, Lionel        | Kurk, Neal          | Leishman, Peter            | Leonard, Peter    |
| Lozeau, Donnalee       | MacAuslan, Rita     | MacIntyre, Doris           | McCarthy, William |
| McCarty, Winston       | Melcher, Harold     | Mercer, Robert             | Messier, Irene    |
| Milligan, Robert       | Murphy, Robert      | O'Hearn, Jane              | Perkins, Paul     |
| Peterson, Andrew       | Sargent, Maxwell    | Thulander, O. Alan         | Turgeon, Roland   |
| Vaillancourt, Steve    | Welch, Donald       | White, Jay                 | Williams, Carol   |

**MERRIMACK**

Anderson, Eric  
Dunn, Miriam  
Gile, Mary  
Jacobson, Alf  
Maxfield, Roy  
Owen, Derek  
St. Cyr, Gerard

Burney, Carol  
Feuerstein, Martin  
Hager, Elizabeth  
Lamach, Bernard  
Moore, Carol  
Reardon, Tara  
Wallin, Jean

Chandler, Earle  
Fraser, Marilyn  
Hess, David  
Langer, Ray  
Morrill, Olive  
Rogers, Katherine  
Wallner, Mary Jane

Crosby, Toni  
French, Barbara  
Hoadley, Elizabeth  
Marshall, Kenneth  
Nichols, Avis  
Seldin, Gloria  
Yeaton, Charles

**ROCKINGHAM**

Battles-Peirce, Marjorie  
Camm, Kevin  
Coes, Betsy  
Flanders, John, Sr.  
Hutchinson, Rebecca  
Klemm, Arthur, Jr.  
McKinney, Betsy  
O'Keefe, Patricia  
Stone, Joseph  
Weatherspoon, Jackie

Beaulieu, Jon  
Case, Margaret  
Cushing, Robert  
Francoeur, Sheila  
Johnson, Robert  
Langone, John  
Micklon, Stephanie  
Pantelakos, Laura  
Syracusa, Anthony  
Woods, Deborah

Bishop, Franklin  
Christie, Andrew, Jr.  
Flanagan, Natalie  
Gleason, John  
Kane, Cecelia  
Major, Norman  
Norelli, Terie  
Sabella, Norma  
Tufts, J. Arthur

Blanchard, MaryAnn  
Clark, Martha  
Flanders, David  
Heath, John  
Kelley, Jane  
McGovern, Cynthia  
Nowe, Ronald  
Schanda, Frank  
Vaughn, Charles

**STRAFFORD**

Brennan, William  
Estabrook, Iris  
Kaen, Naida  
McCann, William, Jr.  
Rogers, Rose Marie  
Sullivan, Henry  
Wall, Janet

Brown, Julie  
Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Rollo, Michael  
Taylor, Kathleen

DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Merritt, Deborah  
Smith, Marjorie  
Torr, Franklin

Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

**SULLIVAN**

Allison, David  
Flint, Gordon  
Schotanus, Merle

Burling, Peter  
Krueger, Richard

Cloutier, John  
Lindblade, Eric

Ferland, Brenda  
Palmer, Lorraine

**NAYS 137****BELKNAP**

Boriso, Thomas  
Holbrook, Robert  
Lawton, Robert

Boyce, Robert  
Hurt, George  
Rice, Thomas, Jr.

Clark, Charles  
Laflam, Robert  
Rosen, Ralph

Golden, Paul  
Lawton, David

**CARROLL**

Kenney, Joseph

Lyman, L. Randy

Mock, Henry

**CHESHIRE****COOS**

Coulombe, Henry  
Tholl, John, Jr.

Coulombe, Yvonne

Guay, Lawrence

St. Hilaire, Paul

**GRAFTON**

Akins, Ralph  
Ham, Bonnie  
Root, John

Chase, Paul, Jr.  
Hinman, Harry  
Trelfa, Richard

Cobbin, Philip  
Mirski, Paul  
Weber, Phil

Guaraldi, Lawrence  
Phinney, William  
Williams, William, Jr.

**HILLSBOROUGH**

Asselin, Robert  
 Brundige, Robert  
 Daniels, Gary  
 Flora, Kathleen  
 Goulet, Maurice  
 Jean, Claudette  
 Lefebvre, Roland  
 MacGillivray, Jeffrey  
 McGough, Tim  
 Piteri, Dawn  
 Wheeler, Robert

Batula, Peter  
 Burke, M. Virginia  
 Drabinowicz, A. Theresa  
 Gagnon, Eugene  
 Herman, Keith  
 Jean, Loren  
 Lessard, Rudy  
 Marcinkowski, Michael  
 Mittelman, David  
 Reidy, Frank  
 White, Donald

Boutin, David  
 Chabot, Robert  
 Dwyer, Paul, Sr.  
 Golding, William  
 Holden, Carol  
 L'Heureux, Robert  
 Letendre, Evelyn  
 Martin, Mary  
 Murch, George  
 Riley, Frances  
 Wright, George

Briefs, Geoffrey  
 Clegg, Robert, Jr.  
 Fields, Dennis  
 Gosselin, Gerald  
 Holley, Sylvia  
 LaRose, Richard  
 Luebker, Bernard  
 McDonald, James, Sr.  
 Pepino, Leo  
 Searles, Stanley, Sr.

**MERRIMACK**

Adams, Stephen  
 Crowell, Peter  
 Larrabee, David  
 Whalley, Michael

Brown, Mary  
 Daneault, Gabriel  
 Lavoie, Gerard  
 Whittemore, James

Colburn, Kathleen  
 DeStefano, Stephen  
 Leber, William

Colburn, Thomas  
 Krueger, Patricia  
 Pfaff, Terence

**ROCKINGHAM**

Arndt, Janet  
 Cooney, Richard  
 Dowd, Sandra  
 Fesh, Robert  
 Guthrie, Joseph  
 Kobel, Rudolph  
 Malcolm, Kenneth  
 Morris, Debbie  
 Simmons, John Anthony  
 Varrell, Thomas

Belanger, Ronald  
 Dearborn, Bruce  
 Downing, Michael  
 Frechette, Joseph  
 Henderson, Warren  
 Langley, Jane  
 McCarthy, John, Jr.  
 Noyes, Richard  
 Smith, Kevin  
 Welch, David

Carson, Gregory  
 Dodge, Robert  
 Dube, LeRoy  
 Gibbons, Paul  
 Katsakiores, George  
 Letourneau, Robert  
 Mikowski, Walter  
 Packard, Sherman  
 Stickney, Nancy  
 Weyler, Kenneth

Cegelis, Mark  
 Dolan, Richard  
 Dunham, Vivian  
 Griffin, Mary  
 Katsakiores, Phyllis  
 Lovejoy, Marian  
 Millard, Ralph  
 Raynowska, Bernard  
 Stritch, C. Donald

**STRAFFORD**

Berube, Roger  
 Spear, Barbara

Bickford, David  
 Tsiros, William

Callaghan, Frank  
 Twardus, Joseph

McKinley, Robert

**SULLIVAN**

Adler, Rudolf

Donovan, Thomas

Leone, Richard

and the majority report was adopted.

Rep. Hunter voted yea and intended to vote nay.

Rep. Lockwood wished to be recorded in favor.

**MOTION TO PRINT REMARKS**

Rep. Rosen moved that the remarks of Rep. Patricia Krueger be printed in the Journal.  
 The motion failed.

**RECESS**

(Speaker Sytek in the Chair)

**SPECIAL ORDERS (CONT'D.)**

**HB 633**, requiring employers to offer a point-of-service option. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.

Rep. George D. Murch, III for the Majority of Labor, Industrial and Rehabilitative Services : This bill would require all employers who offer health care to also offer point-of-service options even if employees do not sign up for the option. This is an employer mandate. This mandate potentially

adds significant administrative burdens that could force some small businesses to drop out of providing health care altogether. The majority feels that most employers try to meet the health care needs of their employees without being mandated to do so. Vote 10-5.

Rep. Rebecca C. Hutchinson for the Minority of Labor, Industrial and Rehabilitative Services: The sponsor requested to have this bill re-referred to address concerns of the subcommittee. The point-of-service option, allowing employees to receive services outside a provider network, is important and merits further study. The intent of this bill is for the employee, not the employer, to pay any additional costs that may be incurred.

Majority report adopted.

#### **HB 495, prohibiting registered lobbyists from serving on the legislative ethics committee OUGHT TO PASS WITH AMENDMENT**

Rep. Warren C. Henderson for Legislative Administration: The Legislative Ethics Committee has worked hard to deal with complex and sensitive issues while withstanding criticism about its goals, its members and its legality. The house has clearly spoken about the appropriateness of maintaining an Ethics Committee. This bill would assure that lobbyists could not sit on that Ethics Committee in judgment of legislators. The committee stressed that this bill does not in any way adversely reflect on the current makeup of the Ethics Committee. Vote 11-2.

#### **Amendment (0589h)**

Amend the bill by replacing all after the enacting clause with the following:

I Membership on Legislative Ethics Committee. Amend RSA 14-B:2, II to read as follows:

II. *No person registered with the secretary of state as a lobbyist under RSA 15 shall serve as a member of the legislative ethics committee.*

III. A committee meeting shall be called within 60 days of the convening of each biennial session. The members shall elect a chairperson and vice-chairperson at this meeting. The members shall serve for the biennium and shall not be removed from the committee for any reason except for good cause by unanimous vote of the remaining committee members. Members shall receive no compensation, except that legislative members shall receive mileage at the legislative rate and public members shall receive mileage at the state employee rate.

2 Effective Date. This act shall take effect July 1, 1997.

Adopted.

Report adopted and ordered to third reading.

Reps. Jeb Bradley and Bonneau declared conflicts of interest and did not participate.

#### **HB 622-FN, requiring legislative approval of certain out-of-court settlements of claims against the state. OUGHT TO PASS WITH AMENDMENT**

Rep. Donnalee Lozeau for Legislative Administration: This bill requires that all settlements that would have a substantial financial impact on the state budget must be approved by the legislature. While current state law prohibits state officials from agreeing to settlements beyond appropriated funds, this bill sets out a procedure for legislative review of those legal settlements resulting in financial commitments in excess of ¼ of one percent of the previous year's general fund unrestricted revenues. (In 1997, this figure is \$2,047,000). The threshold amount requiring review will be adjusted annually by the Legislative Budget Assistant based on the previous year's general fund unrestricted revenues. Vote 10-2.

#### **Amendment (0693h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to legislative approval of settlements of court claims against the state.

Amend the bill by replacing all after the enacting clause with the following:

I New Subdivision; Settlements of Court Claims Against the State. Amend RSA 14 by inserting after section 35-a the following new subdivision:

Approval of Court Settlements

14:35-b Settlements of Court Claims Against the State.

I. Any settlement of a claim against the state in which the state through its attorneys agrees to a commitment with financial consequences in excess of ¼ of one percent or more of total reported general fund revenues for the previous fiscal year as reported by the legislative budget assistant pursuant to paragraph II shall be subject to the approval of the legislature.

II. The legislative budget assistant shall report to the attorney general on January 1 of each year the latest available audited general fund unrestricted revenues for the previous fiscal year as well as the threshold amount at which a financial settlement would be subject to legislative approval pursuant to paragraph I.

III. Any proposed settlement subject to this section shall be presented as legislation in the next convened session of the legislature and acted upon in the same manner as any other bill.

2 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill requires legislative approval of certain settlements of court claims against the state.  
Adopted.

Report adopted and ordered to third reading.

**HB 337-L**, allowing a municipality to reduce the property tax on improvements. RE-REFER TO COMMITTEE

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill has raised many issues which the committee would like to review during the summer. Vote 11-3.

Adopted.

**CACR 10**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute adopted by the legislature. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph E. Stone for Municipal and County Government: The bill provides that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions. As a result of this change, municipalities will have greater flexibility to deal with the increased responsibilities that they face in today's more competitive world. The amendment deleted language which could have provided confusion with regard to bills passed by the legislature but not enacted into law. The committee recommends that once this is approved by a 2/3 vote by the people of New Hampshire an appropriate transition committee be established to work on issues resulting from this change in the constitution. Vote 17-0.

### Amendment (0191h)

Amend the title of the resolution by replacing it with the following:

RELATING TO: municipalities' home rule.

PROVIDING THAT: municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute.

Amend the resolution by replacing paragraph I with the following:

I. That the first part of the constitution be amended by inserting after article 39 the following new article:

[Art.] 40 [Home Rule Authority Granted.] A municipality may exercise any powers and perform any functions pertaining to its government and affairs, unless specifically prohibited from doing so by the state or federal constitutions or by any statute.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the constitution to allow home rule for municipalities, unless specific functions are prohibited by the state or federal constitutions or by any statute.

### AMENDED ANALYSIS

This constitutional amendment-concurrent resolution provides home rule authority to municipalities, so that they may exercise any powers not specifically prohibited by the state and federal constitutions or by statute.

Adopted.

Rep. Fraser spoke in favor.

Reps. Stone and Burling spoke in favor and yielded to questions.

Reps. Metzger and Robert Johnson requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 317 NAYS 29****YEAS 317****BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Lawton, David  
Rosen, Ralph  
Ziegra, Alice

Boriso, Thomas  
Holbrook, Robert  
Lawton, Robert  
Salatiello, Thomas

Boyce, Robert  
Hurt, George  
Pilliod, James  
Thomas, John

Clark, Charles  
Lafiam, Robert  
Rice, Thomas, Jr.  
Turner, Robert

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Pratt, John  
Royce, H. Charles  
Vogl, John

Bonneau, Sarah  
Doucette, Richard  
McGuirk, Paul  
Richardson, Barbara  
Russell, Ronald

Burnham, Daniel  
Hunt, John  
Meador, David  
Riley, William  
Smith, Edwin

Champagne, Richard  
Lynch, Margaret  
Metzger, Katherine  
Robertson, Timothy  
Steere, Myron, III

**COOS**

Bradley, Paula  
Guay, Lawrence  
Merrill, Gerald

Coulombe, Henry  
Hawkinson, Marie  
Moynihan, Wayne

Coulombe, Yvonne  
Horton, Lynn  
Tholl, John, Jr.

Davis, Perley  
Mears, Edgar

**GRAFTON**

Akins, Ralph  
Chase, Paul, Jr.  
Ham, Bonnie  
Lovett, Sidney  
Phinney, William  
Weber, Phil

Alger, John  
Cobbin, Philip  
Hill, Richard  
Luker, Elsa  
Root, John  
Williams, William, Jr.

Almy, Susan  
Guaraldi, Lawrence  
Hinman, Harry  
MacNeil, Allen  
Teschner, Douglass

Below, Clifton  
Guest, Robert  
LaMott, Paul  
Nordgren, Sharon  
Trelfa, Richard

**HILLSBOROUGH**

Ackerman, Philip  
Asselin, Robert  
Belvin, William  
Briefs, Geoffrey  
Cardin, Lori  
Christiansen, Lars  
Cote, David  
Daniels, Gary  
Drabinowicz, A. Theresa  
Fenton, James  
Foster, Linda  
Golding, William  
Haley, Robert  
Holden, Carol  
Johnson, Lionel  
Leishman, Peter  
Lozeau, Donnalee  
Marcinkowski, Michael  
McGough, Tim

Allen, W. Gordon  
Baroody, Benjamin  
Bergin, Peter  
Brundige, Robert  
Carlson, Donald  
Clay, Susan  
Cote, Peter  
Dawe, Eileen  
Durham, Susan  
Fields, Dennis  
Gage, Ruth  
Gosselin, Gerald  
Hansen, Herbert  
Holt, David  
L'Heureux, Robert  
Leonard, Peter  
Luebker, Bernard  
Martin, Mary  
Mercer, Robert

Alukonis, David  
Barry, William, III  
Bernier, Shannon  
Buckley, Raymond  
Carney, Lauren  
Clegg, Robert, Jr.  
D'Allesandro, Lou  
Desrosiers, William  
Dyer, Merton  
Flora, Kathleen  
Gagnon, Eugene  
Goulet, Maurice  
Hart, Nick  
Hunter, Bruce  
LaRose, Richard  
Lessard, Rudy  
MacAuslan, Rita  
McCarty, Winston  
Messire, Irene

Amidon, Eleanor  
Batula, Peter  
Boutin, David  
Burke, M. Virginia  
Chabot, Robert  
Clemons, Jane  
Daigle, Robert  
Dokmo, Cynthia  
Emerton, Lawrence, Sr.  
Foster, Joseph  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Herman, Keith  
Jean, Claudette  
Lefebvre, Roland  
Letendre, Evelyn  
MacIntyre, Doris  
McDonald, James, Sr.  
Milligan, Robert

Mittelman, David  
Perkins, Paul  
Riley, Frances  
Turgeon, Roland  
White, Donald

Murch, George  
Peterson, Andrew  
Sargent, Maxwell  
Vaillancourt, Steve  
Wright, George

O'Hearn, Jane  
Piteri, Dawn  
Searles, Stanley, Sr.  
Welch, Donald

Pepino, Leo  
Reidy, Frank  
Thulander, O. Alan  
Wheeler, Robert

### MERRIMACK

Adams, Stephen  
Crosby, Toni  
Dunn, Miriam  
Hager, Elizabeth  
Krueger, Patricia  
Leber, William  
Owen, Derek  
St. Cyr, Gerard  
Yeaton, Charles

Anderson, Eric  
Crowell, Peter  
Fraser, Marilyn  
Hess, David  
Lamach, Bernard  
Moore, Carol  
Plaff, Terence  
Wallner, Mary Jane

Burney, Carol  
Daneault, Gabriel  
French, Barbara  
Hoadley, Elizabeth  
Larrabee, David  
Morrill, Olive  
Reardon, Tara  
Whalley, Michael

Chandler, Earle  
DeStefano, Stephen  
Gile, Mary  
Jacobson, Alf  
Lavoie, Gerard  
Nichols, Avis  
Seldin, Gloria  
Whittemore, James

### ROCKINGHAM

Arndt, Janet  
Blanchard, MaryAnn  
Christie, Andrew, Jr.  
Cushing, Robert  
Downing, Michael  
Flanders, David  
Gibbons, Paul  
Heath, John  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McGovern, Cynthia  
Norelli, Terie  
Pantelakos, Laura  
Simmons, John Anthony  
Strich, C. Donald  
Vaughn, Charles  
Woods, Deborah

Battles-Peirce, Marjorie  
Carson, Gregory  
Clark, Martha  
Dodge, Robert  
Dube, LeRoy  
Flanders, John, Sr.  
Gleason, John  
Henderson, Warren  
Katsakiores, George  
Kobel, Rudolph  
Lovejoy, Marian  
McKinney, Betsy  
Noyes, Richard  
Reardon, Neil  
Smith, Kevin  
Syracusa, Anthony  
Weatherspoon, Jackie

Belanger, Ronald  
Case, Margaret  
Coes, Betsy  
Dolan, Richard  
Dunham, Vivian  
Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langley, Jane  
Malcolm, Kenneth  
Micklon, Stephanie  
O'Keefe, Patricia  
Sabella, Norma  
Stickney, Nancy  
Tufts, J. Arthur  
Welch, David

Bishop, Franklin  
Cegelis, Mark  
Cooney, Richard  
Dowd, Sandra  
Fesh, Robert  
Frechette, Joseph  
Guthrie, Joseph  
Johnson, Robert  
Kelley, Jane  
Langone, John  
McCarthy, John, Jr.  
Mikowski, Walter  
Packard, Sherman  
Schanda, Frank  
Stone, Joseph  
Varrell, Thomas  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Kaen, Naida  
McCann, William, Jr.  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Ann

Brennan, William  
Estabrook, Iris  
Keans, Sandra  
McKinley, Robert  
Pelletier, Marsha  
Snyder, Clair  
Twardus, Joseph

Brown, Julie  
Hemon, Roland  
Knowles, William  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Vachon, Dennis

DeChane, Marlene  
Hilliard, Dana  
Lundborn, Raymond  
Merritt, Deborah  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

### SULLIVAN

Adler, Rudolf  
Donovan, Thomas  
Schotanus, Merle

Allison, David  
Flint, Gordon

Burling, Peter  
Leone, Richard

Cloutier, John  
Palmer, Lorraine

### NAYS 29

### BELKNAP

### CARROLL

None

None

**CHESHIRE**

None

**COOS**

Pratt, Leighton

**GRAFTON**

Copenhaver, Marion

Mirski, Paul

**HILLSBOROUGH**

Calawa, Leon, Jr.

Hall, Betty

Holley, Sylvia

Jean, Loren

Kurk, Neal

MacGillivray, Jeffrey

McCarthy, William

Melcher, Harold

Murphy, Robert

Williams, Carol

**MERRIMACK**

Colburn, Thomas

Feuerstein, Martin

Langer, Ray

Marshall, Kenneth

Maxfield, Roy

Wallin, Jean

**ROCKINGHAM**

Beaulieu, Jon

Camm, Kevin

Dearborn, Bruce

Major, Norman

Morris, Debbie

Nowe, Ronald

Raynowska, Bernard

**STRAFFORD**

Torr, Franklin

**SULLIVAN**

Ferland, Brenda

Lindblade, Eric

and the report was adopted by the Constitutionally required three-fifths.

Ordered to third reading.

Rep. Lockwood wished to be recorded in favor.

**SUSPENSION OF RULES**

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **CACR 10**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute.

Adopted by the necessary two-thirds.

**MOTION ON CACR**

Reps. Wheeler and Burling moved that **CACR 10**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute, be read a third time and passed.

On a division vote, 323 members having voted in the affirmative and 26 in the negative, **CACR 10** was adopted by the constitutionally required three-fifths.

**Third reading and final passage**

**CACR 10**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute.

**SPECIAL ORDERS (CONT'D.)**

**HB 653-L**, relative to address numbers on streets and highways and relative to penalties for violations of certain planning and zoning laws. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Betsey L Patten for Municipal and County Government: The first section of this bill addresses the notification process when a numbering change happens within a community. The governing body or the planning board may hold a public hearing if they deem it necessary. The municipali-

ties are also encouraged to notify the bureau of emergency communications to keep the E911 database up to date. The second part of the bill increases the fines for transferring lots in unapproved subdivisions from \$500 per lot/per day to \$1000 per lot/per day to curb this type of action. Vote 13-0.

#### Amendment (0651h)

Amend the bill by replacing section 1 with the following:

1 Address Numbers on Streets and Highways. Amend RSA 231:133-a to read as follows:  
231:133-a Address Numbers on Streets and Highways. The governing body may adopt a system for assigning or altering address numbers of buildings and other property along any public or private way in the municipality. Prior to the actual assignment or alteration of numbers along any way or portion of any way the governing body *or planning board* shall hold a public hearing for which 10 days' notice has been given by posting in 2 public places in the municipality, by publication in a newspaper in circulation in the municipality, and by first class mail to all owners of property being numbered or renumbered, as indicated by town records. *No public hearing shall be required where the property owner or owners voluntarily consent to their property being numbered or renumbered, as indicated by town records. Each municipality addressing numbers on streets and highways pursuant to this section is encouraged to notify the bureau of emergency communications of the changes in accordance with RSA 106-H:10.*

Amend the bill by inserting after the enacting clause the following and renumbering the original section 1-5 to read as 2-6:

1 Notification to Enhanced 911 System. Amend RSA 106-H:10 to read as follows:

106-H:10 Municipal Cooperation. Each municipality is encouraged to establish a customer data base containing information to identify the location of each telephone number within the municipality *and is encouraged to notify the bureau of any changes*. Customer information provided under this chapter may be used only for the purposes of responding to emergency calls or for the investigation of false or intentionally misleading reports of incidents requiring emergency services.

#### AMENDED ANALYSIS

This bill allows for the administrative renumbering of property in certain situations and encourages notification of the renumbering to the enhanced 911 system. The bill also increases the penalty for transferring lots in unapproved subdivisions and other violations of the planning and zoning laws.

Adopted.

Report adopted and ordered to third reading.

**HB 743-FN-L**, relative to the municipal option to impose additional fees for motor vehicle registration permits to fund public parking facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Robert A. Lockwood for Municipal and County Government: This bill would have repealed an enabling statute passed which allowed cities of over 50,000 population to administer a surcharge on local vehicle registrations to help fund maintenance costs for public parking garages. Manchester exercised this option. The Manchester Board of Mayor and Alderman voted on March 4, 1997 to abandon the surcharge policy effective in June, thus settling their problems through "home rule". The committee was reluctant to repeal at this time because it was not aware if there is any other such activity ongoing under this RSA. Vote 17-1.

Rep. D'Allesandro spoke against and yielded to questions.

Rep. Pepino spoke against.

Rep. Metzger spoke in favor.

On a division vote, 240 members having voted in the affirmative and 98 in the negative, the report was adopted.

**HB 294-L**, relative to the placement of off-premises advertising devices in municipalities which prohibit such advertising devices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Paul I. LaMott for the Majority of Public Works and Highways: This bill as amended only deals with Department of Transportation designated business directional signs and their placement along New Hampshire highways exclusive of turnpikes and interstate highways. These signs are from 9 to 20 inches high, and 3 to 8 feet long depending on the area's speed limits. A number of

towns in New Hampshire have zoning laws that prohibit off-premise signs and for years the Department of Transportation informally acknowledged those laws by not placing any off-premise business directional signs in towns that had such a prohibition. Unfortunately, challenges to that informal action resulted in a Department of Transportation decision that since there was no law prohibiting these placements, they were powerless to deny applications. Hence, this amended bill. This is simply an issue of fairness. If business A is located off the highway in a township that does not allow off-premise signs, and does not qualify for a state directional sign due to the type of business, they're stuck. Yet, business B in the next town who qualifies for a business directional sign can have an off-premise sign in business A's town when business A cannot. This bill will still allow off-premise business directional signs, but they will need to be placed within the town in which the advertised business is located. Vote 15-2.

Rep. Steve Vaillancourt for the Minority of Public Works and Highways: The minority believes that these signs serve as a service to the traveling public and should be viewed as a plus rather than a minus. The minority further believes that the Department of Transportation has not abused the privilege of placing these blue and white signs which are situated on the state right-of-way and not on private property.

### Amendment (0498h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the placement of off-premises business directional signs in municipalities which prohibit such advertising devices.

Amend the bill by replacing section 1 with the following:

1 New Section; Off-Premises Advertising Devices. Amend RSA 236 by inserting after section 74 the following new section:

236:74-a Off-Premises Advertising Devices. Notwithstanding any provision of law to the contrary, the department of transportation shall not permit the installation of any business directional sign which advertises a business or activity which is not located within a municipality, if such municipality has a local ordinance prohibiting off-premises advertising devices. Any business directional sign which is not in compliance with this section shall be removed within 3 years of the effective date of this section.

### AMENDED ANALYSIS

This bill declares that the department of transportation shall not permit the installation of any business directional sign advertising a business or activity which is not located within a municipality which has a local zoning ordinance preventing off-premises advertising devices.

Adopted.

Majority report adopted and ordered to third reading.

**HB 544**, relative to reconstruction or repair of boathouses which are suitable for use as dwellings. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. William E. Williams, Jr. for the Majority of Resources, Recreation and Development: RSA 482-A:26 III does not allow a dwelling over water to be reconstructed within its original footprint in the case of obsolescence, fire, storm damage, or pestilence. These legal, non-conforming structures presently can only be repaired. This bill solves this problem. Vote 15-1.

Rep. Mary Ellen Martin for the Minority of Resources, Recreation and Development: All the waters in the State of New Hampshire are owned by the public and held in trust for them by the state via the Public Trust Doctrine. This legislature is appointed as guardians of the public trust and has both the authority and the responsibility to preserve and protect these waters and lands for the public good. In some instances, waterfront property owners have exceeded their one special right to wharf out over public lands, (i.e. read "*dock*") in order to access the water. Some have built homes or other structures beyond their property line (the high water mark) and out over or in the water (public land). This bill says in effect, "Hey, that's o.k. - You can have that land". It allows them to reconstruct these structures, in *effect* giving them the lands they encroached on *forever*. This is a "taking" of public trust lands. This creates two groups of waterfront property owners with unequal rights - also unconstitutional! One group stayed within their property lines, one did not. This legislature has the *authority* to do so, but it is certainly a violation of their responsibilities as guardians for all the people. This is a wrongful act, which we don't have the *right* to do!

**Amendment (0755h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to dwellings which extend over public waters.

Amend the bill by deleting section 1 and renumbering the original sections 2-5 to read as 1-4, respectively.

Amend RSA 482-A:26, III as inserted by section 2 of the bill by replacing it with the following:  
1 Construction, Reconstruction, or Repair of Dwellings Over Water. Amend RSA 482-A:26 to read as follows:

482-A:26 [~~Residential Use Prohibited~~] *Dwellings Over Water.*

I. No person shall construct [~~or reconstruct~~] any structure [~~intended~~] *suitable* for use as a dwelling if [~~said~~] *the* structure or any part of [~~said~~] *the* structure extends beyond the shoreline of any public water or publicly-owned water body. [~~For the purposes of this paragraph, "the shoreline" shall be that shoreline which exists when the surface of the water is at the mean high water level.~~]

II. No person shall convert or modify any existing structure in order to make [~~said~~] *the* structure suitable as a dwelling if [~~said~~] *the* structure or any part of [~~said~~] *the* structure extends beyond the shoreline of any public water or publicly-owned water body. [~~For the purposes of this paragraph, "the shoreline" shall be that shoreline which exists when the surface of the water is at the mean high water level.~~]

2 New Paragraphs; Reconstruction or Repair of Dwellings Over Water. Amend RSA 482-A:26 by inserting after paragraph II the following new paragraphs:

III. Existing dwellings over water which were constructed or converted to be made suitable for use as a dwelling in accordance with the law in effect at the time of construction or conversion, may be repaired or reconstructed using any modern technologies. Such repair or reconstruction may alter the interior design or existing cribwork, but no expansion of the existing footprint or outside dimensions shall be permitted. A condition of RSA 482-A:3 approval shall be the existence or installation of a sewage disposal system which has been approved pursuant to RSA 485-A:29-44. No permit shall be required for routine maintenance that does not involve work in the water.

IV. For the purposes of this section:

(a) "Dwelling over water" means any structure suitable for use as a dwelling which extends in any part beyond the shoreline of any public water or public-owned water body.

(b) "Shoreline" means that shoreline which exists when the surface of the water is at the mean high water level.

(c) "Suitable for use as a dwelling" means any structure which is used for residential purposes by one or more persons, or which contains kitchen, bathroom, shower, or toilet facilities.

V. The provisions of RSA 482-A:10, relative to reconsideration and appeals, and RSA 482-A:10-a, relative to takings without compensation, shall apply to all decisions of the department made under paragraph III.

**AMENDED ANALYSIS**

This bill requires any person reconstructing or repairing a dwelling which extends over public waters to obtain a septic system approval.

Adopted.

Reps. Martin and Jacobson spoke against.

Reps. Dickinson and William Williams spoke in favor and yielded to questions.

Rep. Martin requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 233 NAYS 109**

**YEAS 233**

**BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Lawton, Robert  
Salatiello, Thomas

Boriso, Thomas  
Holbrook, Robert  
Pilliod, James  
Turner, Robert

Boyce, Robert  
Hurt, George  
Rice, Thomas, Jr.  
Ziegra, Alice

Clark, Charles  
Lawton, David  
Rosen, Ralph

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Metzger, Katherine  
Smith, Edwin

Hunt, John  
Pratt, John  
Steere, Myron, III

Lynott, Margaret  
Robertson, Timothy

Meador, David  
Royce, H. Charles

**COOS**

Bradley, Paula  
Mears, Edgar  
Tholl, John, Jr.

Davis, Perley  
Merrill, Gerald

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
St. Hilaire, Paul

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Hinman, Harry  
Root, John

Alger, John  
Guaraldi, Lawrence  
Lovett, Sidney  
Teschner, Douglass

Chase, Paul, Jr.  
Guest, Robert  
Luker, Elsa  
Trelfa, Richard

Cobbin, Philip  
Hill, Richard  
Mirski, Paul  
Williams, William, Jr.

**HILLSBOROUGH**

Ackerman, Philip  
Belvin, William  
Calawa, Leon, Jr.  
Clay, Susan  
Desrosiers, William  
Emerton, Lawrence, Sr.  
Flora, Kathleen  
Golding, William  
Holden, Carol  
Johnson, Lionel  
Leonard, Peter  
Luebkert, Bernard  
McGough, Tim  
Mittelman, David  
Pepino, Leo  
Riley, Frances  
Vaillancourt, Steve

Alukonis, David  
Bergin, Peter  
Carney, Lauren  
Clegg, Robert, Jr.  
Dokmo, Cynthia  
Fenton, James  
Gage, Ruth  
Gosselin, Gerald  
Hunter, Bruce  
Kurk, Neal  
Lessard, Rudy  
MacGillivray, Jeffrey  
Mercer, Robert  
Murch, George  
Perkins, Paul  
Sargent, Maxwell  
Welch, Donald

Amidon, Eleanor  
Brundige, Robert  
Chabot, Robert  
Daniels, Gary  
Durham, Susan  
Ferguson, Charles  
Gagnon, Eugene  
Goulet, Maurice  
Jean, Claudette  
L'Heureux, Robert  
Letendre, Evelyn  
MacIntyre, Doris  
Messier, Irene  
Murphy, Robert  
Peterson, Andrew  
Searles, Stanley, Sr.  
Wheeler, Robert

Batula, Peter  
Burke, M. Virginia  
Christiansen, Lars  
Dawe, Eileen  
Dyer, Merton  
Fields, Dennis  
Ginsburg, Ruth  
Herman, Keith  
Jean, Loren  
LaRose, Richard  
Lozeau, Donnalee  
McCarty, Winston  
Milligan, Robert  
O'Hearn, Jane  
Piteri, Dawn  
Turgeon, Roland

**MERRIMACK**

Adams, Stephen  
Colburn, Thomas  
Feuerstein, Martin  
Lamach, Bernard  
Marshall, Kenneth  
Owen, Derek  
Whalley, Michael

Anderson, Eric  
Crosby, Toni  
Hager, Elizabeth  
Larrabee, David  
Maxfield, Roy  
Pfaff, Terence  
Whittemore, James

Burney, Carol  
Crowell, Peter  
Hess, David  
Lavoie, Gerard  
Morrill, Olive  
Reardon, Tara  
Yeaton, Charles

Chandler, Earle  
Daneault, Gabriel  
Hoadley, Elizabeth  
Leber, William  
Nichols, Avis  
St. Cyr, Gerard

**ROCKINGHAM**

Arndt, Janet  
Bishop, Franklin  
Case, Margaret  
Dodge, Robert  
Dube, LeRoy  
Francoeur, Sheila

Battles-Peirce, Marjorie  
Blanchard, MaryAnn  
Christie, Andrew, Jr.  
Dolan, Richard  
Dunham, Vivian  
Gibbons, Paul

Beaulieu, Jon  
Camm, Kevin  
Cooney, Richard  
Dowd, Sandra  
Fesh, Robert  
Gleason, John

Belanger, Ronald  
Carson, Gregory  
Dearborn, Bruce  
Downing, Michael  
Flanders, John, Sr.  
Griffin, Mary

Henderson, Warren  
Katsakiores, Phyllis  
Langone, John  
Malcolm, Kenneth  
Nowe, Ronald  
Reardon, Neil  
Stone, Joseph  
Woods, Deborah

Hutchinson, Rebecca  
Kelley, Jane  
Letourneau, Robert  
McCarthy, John, Jr.  
Noyes, Richard  
Simmons, John Anthony  
Tufts, J. Arthur

Johnson, Robert  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McKinney, Betsy  
Packard, Sherman  
Smith, Kevin  
Welch, David

Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Morris, Debbie  
Raynowska, Bernard  
Stickney, Nancy  
Weyler, Kenneth

### STRAFFORD

Brown, Julie  
Kaen, Naida  
Spear, Barbara  
Twardus, Joseph

Dunlap, Patricia  
Knowles, William  
Torr, Ann

Estabrook, Iris  
McKinley, Robert  
Torr, Franklin

Hilliard, Dana  
Snyder, Clair  
Tsiros, William

### SULLIVAN

Adler, Rudolf  
Flint, Gordon  
Palmer, Lorraine

Cloutier, John  
Krueger, Richard  
Schotanus, Merle

Donovan, Thomas  
Leone, Richard

Ferland, Brenda  
Lindblade, Eric

### NAYS 109

### BELKNAP

Laflam, Robert

### CARROLL

None

### CHESHIRE

Bonneau, Sarah  
Doucette, Richard  
Riley, William

Burnham, Daniel  
Lynch, Margaret  
Russell, Ronald

Champagne, Richard  
McGuirk, Paul  
Vogl, John

DePecol, Benjamin  
Richardson, Barbara

### COOS

Coulombe, Henry

Coulombe, Yvonne

Moynihan, Wayne

### GRAFTON

Almy, Susan  
MacNeil, Allen

Below, Clifton  
Nordgren, Sharon

Copenhaver, Marion  
Phinney, William

Ham, Bonnie  
Weber, Phil

### HILLSBOROUGH

Allen, W. Gordon  
Buckley, Raymond  
Cote, Peter  
Dwyer, Paul, Sr.  
Haley, Robert  
Holley, Sylvia  
MacAuslan, Rita  
McDonald, James, Sr.  
White, Donald

Asselin, Robert  
Cardin, Lori  
D'Allesandro, Lou  
Foster, Joseph  
Hall, Betty  
Holt, David  
Marcinkowski, Michael  
Melcher, Harold  
Wright, George

Barry, William, III  
Carlson, Donald  
Daigle, Robert  
Foster, Linda  
Hansen, Herbert  
Lefebvre, Roland  
Martin, Mary  
Reidy, Frank

Briefs, Geoffrey  
Cote, David  
Drabinowicz, A. Theresa  
Haettenschwiller, Alphonse  
Hart, Nick  
Leishman, Peter  
McCarthy, William  
Thulander, O. Alan

### MERRIMACK

DeStefano, Stephen  
Gile, Mary  
Moore, Carol

Dunn, Miriam  
Jacobson, Alf  
Seldin, Gloria

Fraser, Marilyn  
Krueger, Patricia  
Wallner, Mary Jane

French, Barbara  
Langer, Ray

**ROCKINGHAM**

|                   |                      |                    |                  |
|-------------------|----------------------|--------------------|------------------|
| Clark, Martha     | Coes, Betsy          | Cushing, Robert    | Flanders, David  |
| Frechette, Joseph | Guthrie, Joseph      | Heath, John        | Kane, Cecelia    |
| Langley, Jane     | McGovern, Cynthia    | Micklon, Stephanie | Mikowski, Walter |
| Norelli, Terie    | O'Keefe, Patricia    | Pantelakos, Laura  | Sabella, Norma   |
| Schanda, Frank    | Stritch, C. Donald   | Syracusa, Anthony  | Varrell, Thomas  |
| Vaughn, Charles   | Weatherspoon, Jackie |                    |                  |

**STRAFFORD**

|                   |                   |                      |                 |
|-------------------|-------------------|----------------------|-----------------|
| Berube, Roger     | Brennan, William  | DeChane, Marlene     | Hemon, Roland   |
| Keans, Sandra     | Lundborn, Raymond | McCann, William, Jr. | Merrill, Amanda |
| Pelletier, Arthur | Pelletier, Marsha | Rogers, Rose Marie   | Rollo, Michael  |
| Smith, Marjorie   | Sullivan, Henry   | Taylor, Kathleen     | Vachon, Dennis  |
| Wall, Janet       |                   |                      |                 |

**SULLIVAN**

|                |                |
|----------------|----------------|
| Allison, David | Burling, Peter |
|----------------|----------------|

and the majority report was adopted.  
Ordered to third reading.

**HB 547**, relative to granting permits to build certain structures on shoreline property. **MAJORITY: RE-REFER TO COMMITTEE. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael D. Whalley for the Majority of Resources, Recreation and Development: This bill deals with the granting of permits by the Department of Environmental Services to an owner of shoreline on public waters to construct docks or structures extending into the water. Under the common law public trust doctrine, the state owns the waters of the state and much of the beds beneath the waters, holding them in trust for the benefit of the public, while property owners have a right to wharf out and make reasonable use of their shorefront property. As mentioned in the Committee Report with regard to HB 272, the Department of Environmental Services is in the process of drafting proposed rules relating to shoreline structures. For this reason, the committee believes re-referred is the best action at this time to deal with those proposed rules. Vote 12-5.

Rep. Deborah F. Merritt for the Minority of Resources, Recreation and Development : The minority believes that the acceptance of certain structures as consistent with the public trust doctrine is a violation of historical case law. The state holds all waters in public trust and the Department of Environmental Services ability to adopt rules regulating such structures is predicated on this doctrine. Majority report adopted.

**HB 628**, relative to leasing Mount Sunapee and Cannon Mountain ski areas based on the prototype lease developed pursuant to prior legislation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill as amended provides appropriate legislative oversight in determining the future of Cannon Mountain Ski Area and Mt. Sunapee Ski Area. The bill as amended requires the Commissioner of the Department of Resources and Economic Development to develop and issue a request for proposals for an agreement or contract to include but not be limited to a lease, concession agreement, or management contract for the Mount Sunapee or Cannon Mountain Ski Area operations or both in consultation with a legislative committee established by this legislation. This bill also requires an agreement or contract recommended by the Commissioner be approved by the capital budget overview committee before that agreement takes effect. This bill also requires the Commissioner of the Department of Resources and Economic Development to report on the disposition of ski area employees affected by any agreement or contract.

**Amendment (0707h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to an agreement or contract for the Mount Sunapee or Cannon Mountain ski area operations, or both, establishing a committee to develop a proposal and review responses, and requiring review of any agreement or contract by the capital budget overview committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Mount Sunapee and Cannon Mountain; Request for Proposals.

I. Notwithstanding any other provision of law, the commissioner of the department of resources and economic development shall, in consultation with the committee established in section 2 of this act, develop and issue a request for proposals to include but not be limited to a lease, concession agreement, or management contract for the Mount Sunapee or Cannon Mountain ski area operations or both.

II. The request for proposals shall include but not be limited to the following terms, conditions, and provisions:

- (a) Length of the agreement.
- (b) Assets to be included.
- (c) Outline of master plan.
- (d) Environmental regulation and controls including but not limited to:
  - (1) Soils,
  - (2) Water quality,
  - (3) Wetlands,
  - (4) Wildlife habitat,
  - (5) Scenic and aesthetic qualities,
  - (6) Multi-seasonal recreational opportunities,
  - (7) Forestry issues.
- (e) Expansion limitations.
- (f) State and local regulatory authority.
- (g) Operational responsibilities remaining with the state.
- (h) Requirement of performance bonds.
- (i) Past practices and agreements.
- (j) Repurchase.
- (k) Federal agency requirements, conditions, and regulations.
- (l) Consideration of state employees.

III. All responses to a request for proposals developed under this act shall be reviewed by the committee established in section 2 of this act in cooperation with the commissioner of resources and economic development.

2 Committee Established. There is established a committee for the purpose of advising the commissioner of resources and economic development, pursuant to section 1 of this act, on the creation of a request for proposals and the review of any responses to a request for proposals.

I. The committee shall consist of the following members:

(a) Ten members of the house of representatives, at least 3 of whom shall be members of the democratic party, and at least 8 of whom shall be members of the resources, recreation, and development committee, appointed by the speaker of the house.

(b) Four members of the senate, at least 1 of whom shall be a member of the democratic party, appointed by the president of the senate.

II. The members of the committee shall elect a chairperson from among its members. Members shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Review by Capital Budget Overview Committee. Any agreement or contract recommended pursuant to this act shall be submitted to the capital budget overview committee established in RSA 17-J for review and approval. No agreement or contract shall take effect until such approval is obtained.

4 Report on Future Status of Ski Area Employees. The commissioner of the department of resources and economic development shall provide along with any agreement or contract submitted under section 3 of this act, a report on the disposition of employees of the ski areas at Mount Sunapee or Cannon Mountain, or both.

5 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill requires the commissioner of resources and economic development to develop and issue a request for proposals for an agreement or contract for the Mount Sunapee or Cannon Mountain ski area operations, or both, in consultation with a legislative committee, and requires any agreement or contract to be approved by the capital budget overview committee.

This bill also requires the commissioner of resources and economic development to report on the disposition of ski area employees in any agreement or contract.

Adopted.

Reps. Gene Chandler and Jacobson spoke in favor.

Report adopted and ordered to third reading.

**HB 693**, establishing a house committee to examine water quality issues. **OUGHT TO PASS WITH AMENDMENT**

Rep. Deborah F. Merritt for Resources, Recreation and Development: This bill establishes a house committee to look at water quality issues including a centralized data system for water quality data, to develop an incentive system to reduce toxins, and the impact of water quality on growth and economic development. The committee will also look at the findings of The Comparative Risk Analysis project. Vote 11-5.

**Amendment (0743h)**

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house, the house clerk, the governor, and the state library on or before November 1, 1998.

Adopted.

Report adopted and ordered to third reading.

**HB 528-L**, relative to municipal water, gas and electric utilities. **OUGHT TO PASS WITH AMENDMENT**

Reps. Clifton C. Below and Jeb E. Bradley for Science, Technology and Energy: This legislation repeals and reenacts RSA 38 which allows for municipalization of electric, gas, or water systems by towns and cities. The provisions of this statute have not been updated in many years and are cumbersome for any community seeking to municipalize utility services. With competition coming in the electric industry, the committee believes that towns and cities need the option to municipalize electric utility services if there is to be a level playing field with utilities that might seek to delay implementation of competition. The provisions in this bill are balanced as the Public Utilities Commission must determine if a municipalization is in the public interest. A two thirds favorable vote by a city or town would, however, constitute a rebuttable presumption of public interest. Furthermore, there are protections for residents of a community that are not customers of a municipal utility. Vote 17-0.

**Amendment (0722h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Municipal Electric, Gas, or Water Systems. RSA 38 is repealed and reenacted to read as follows:

**CHAPTER 38**

**MUNICIPAL ELECTRIC, GAS, OR WATER SYSTEMS**

38:1 Definitions. In this chapter:

I. "Commission" means the public utilities commission, unless the context otherwise indicates.

II. "Utility" means any public utility engaged in the manufacture, generation, distribution, or sale of electricity, gas or water in the state.

III. "Municipality" means any city, town, unincorporated town, unorganized place, or village district within the state.

IV. "Municipal water company," means any water distribution system or water supply utility, owned or operated by a municipality, whether as a municipal department, separate company, or otherwise.

38:2 Establishment, Acquisition and Expansion of Plants. Any municipality may:

I. Establish, expand, take, purchase, lease, or otherwise acquire and maintain and operate in accordance with the provisions of this chapter, one or more suitable plants for the manufacture and distribution of electricity, gas, or water for municipal use, for the use of its inhabitants and others, and for such other purposes as may be permitted, authorized, or directed by the commission.

II. For these purposes, take, purchase and hold in fee simple or otherwise lease or otherwise acquire and maintain any real or personal estate and any rights therein, including water rights.

III. Do all other things necessary for carrying into effect the purposes of this chapter.

IV. Excavate and dig conduits and ditches in any highway or other land or place, and erect poles, place wires, and lay pipes for the transmission and distribution of electricity, gas, and water in such places as may be deemed necessary and proper.

V. Change, enlarge, and extend the same from time to time when the municipality shall deem necessary, and maintain the same, having due regard for the safety and welfare of its citizens and security of the public travel.

38:3 By Cities. Any city may initially establish such a plant after 2/3 of the members of the governing body shall have voted, subject to the veto power of the mayor as provided by law, that it is expedient to do so, and after such action by the city council shall have been confirmed by a majority of the qualified voters at a regular election or at a special meeting duly warned in either case. Such confirming vote shall be had within one year from the date of the vote to establish such a plant, and if favorable, shall create a rebuttable presumption that such action is in the public interest. If the vote is unfavorable, the question shall not be again submitted to the voters within 2 years thereafter.

38:4 By Towns or Village Districts. Any town or village district may initially establish such a plant after 2/3 of all the voters present and voting at an annual or special meeting, duly warned in either case, have voted by ballot with the use of the checklist that it is expedient to do so. A favorable vote to establish such a plant shall create a rebuttable presumption that such action is in the public interest. If such vote is unfavorable, the question shall not be again submitted to the voters within 2 years thereafter.

38:5 By Unincorporated Towns and Unorganized Places. Any unincorporated town or unorganized place may initially establish such a plant after 2/3 of the members of the county convention shall have voted that it is expedient to do so, and, if there are any registered voters in that unincorporated town or unorganized place, after such action by the county convention shall have been confirmed by a majority of the qualified votes in that unincorporated town or unorganized place at a regular election or at a special meeting duly warned in either case. Such confirming vote shall be had within one year from the date of the vote to establish such a plant, and if favorable, shall create a rebuttable presumption that such action is in the public interest. If the vote is unfavorable, the question shall not be again submitted to the voters within 2 years thereafter.

38:6 Notice to Utility. Within 30 days after the confirming vote provided for in RSA 38:3, 38:4, or 38:5 the governing body shall notify in writing any utility engaged, at the time of the vote, in generating or distributing electricity, gas, or water for sale in the municipality, of the vote. The municipality notifying any utility in such manner may purchase all or such portion of the utility's plant and property located within such municipality that the governing body determines to be necessary for the municipal utility service, and shall purchase that portion, if any, lying without the municipality which the public interest may require, pursuant to RSA 38:11 as determined by the commission. The notice to such utility shall include an inquiry as to whether the utility elects to sell, in the manner hereinafter provided, that portion of its plant and property located within or without the municipality which the municipality has identified as being necessary for the municipal utility service.

38:7 Reply by Utility. The utility shall reply to the inquiry provided for in RSA 38:6 by delivering its answer in writing to the governing body within 60 days of the receipt of the inquiry. If the reply is in the negative, or if the reply is not made within the 60 days, the utility thereby forfeits any right it may have had to require the purchase of its plant and property by the municipality, and the municipality may proceed to acquire the plant as provided in RSA 38:10. If the reply is in the affirmative, the utility shall submit the price and terms it is willing to accept for all of its plant and property identified by the municipality in its inquiry, together with a detailed schedule of such plant and property with proper evidence of title. All of the plant and property identified by the municipality shall at all reasonable times thereafter be open to the examination of the officers and agents of the municipality and others charged with the duty of determining the fair value of the property.

38:8 By Agreement. The governing body of a municipality may negotiate and agree with the utility upon the price to be paid for such plant and property; provided, however, that such agreement shall not be binding upon the municipality until ratified pursuant to RSA 38:13.

### 38:9 Valuation.

I. If the municipality and the utility fail to agree upon a price, or if it cannot be agreed as to how much, if any, of the plant and property lying within or without the municipality the public interest requires the municipality to purchase, or if the schedules of property submitted in accordance with RSA 38:7 are not satisfactory, either the municipality or the utility may petition the commission for a determination of these questions.

II. The commission, after proper notice and hearing, shall decide the matters in dispute.

III. When required to fix the price to be paid for such plant and property, the commission shall determine the amount of damages, if any, caused by the severance of the plant and property proposed to be purchased from the other plant and property of the owner. In the case of electric utilities, such amount shall be limited to the value of such plant and property and the cost of direct remedial requirements, such as new through-connections in transmission lines, and shall exclude consequential damages such as stranded investment in generation, storage, or supply arrangements which shall be determined as provided in RSA 38:33.

IV. The expense to the commission for the investigation of the matters covered by the petition, including the amounts expended for experts, accountants, or other assistants, and salaries and expenses of all employees of the commission for the time actually devoted to the investigation, but not including any part of the salaries of the commissioners, shall be paid by the parties involved, in the manner fixed by the commission.

38:10 Construction or Condemnation. If the utility shall have replied to the inquiry provided for in RSA 38:7 in the negative or if it shall have failed to reply within the time prescribed in RSA 38:7, the municipality, in the event that it shall have passed the vote or votes required in RSA 38:3, 38:4, and 38:5 and after the commission upon proper notice and hearing has determined that it is in the public interest to do so, may construct a municipal plant or may take all or any portion of such private plant and property by condemnation, paying therefor just compensation determined in the manner provided in RSA 38:9.

38:11 Public Interest Determination by Commission. When making a determination as to whether the purchase or taking of utility plant or property is in the public interest under this chapter, the commission may set conditions and issue orders to satisfy the public interest. The commission need not make any public interest determinations when the municipality and utility agree upon the sale of utility plant and property.

38:12 Expansion of Existing Municipals. A municipality that has an existing municipal plant may expand such plant or may purchase or take, in the manner prescribed in RSA 38:6-11 and RSA 38:33, all or a portion of such plant owned by a utility which is necessary for expanded municipal utility service. Such action shall not require any further vote under RSA 38:3, 38:4, or 38:5.

38:13 Ratification. Within 90 days of the final determination of the price to be paid for the plant and property to be acquired under the provisions of RSA 38:8, 38:9 or 38:10 and any consequential damages under RSA 38:33, the municipality shall decide whether or not to acquire the plant and property at such price by a vote to issue bonds and notes pursuant to RSA 33-B as may be necessary and expedient for the purpose of defraying the cost of purchasing or taking the plant, property, or facilities of the utility which the municipality may thus acquire. The municipality is authorized to hold a special meeting, if necessary, to take such vote without having to petition the superior court for permission to do so. An affirmative vote under RSA 33-B shall constitute ratification on the part of the municipality of the final determination of the price to be paid for the plant and property under the provisions of RSA 38:8, 38:9, or 38:10 and any consequential damages under RSA 38:33. If the money is so raised it shall immediately be paid to the utility, which shall thereupon execute a proper conveyance and surrender the plant and property to the municipality. If the ratifying vote provided for in this section shall be in the negative, no other action under this chapter shall be had during the ensuing period of 2 years.

38:14 Operation of Plant. A municipality, which has so acquired the plant, property, or facilities of a public utility in any other municipality, may operate within such other municipality as a public utility with the same rights and franchises which the owners of such outlying plant, as purchased, would have had such purchase not been made. The operation by a municipality outside its own limits shall be subject to the jurisdiction of the commission except as provided in RSA 362. If the outlying municipality shall itself vote to establish a municipal plant all the provisions of this chapter shall be binding as to such determination.

38:15 Taking Property. Any such municipality may enter upon and take by eminent domain any land or any interest in land or water right within its limits, or in the case of a village district within the limits of the town or towns within which it is situated, which may be necessary for the construction, extension, or maintenance of its plant, and shall pay all damages sustained thereby, or by any other thing done under the authority of this chapter.

38:16 Damages. If the municipality shall not agree with the owner of the property referenced in RSA 38:15 as to damages, either party may apply to the superior court in the county where the town or district is located, or if the municipality is a village district then to the board of selectmen of the town or towns within which the village district is situated, to have the same laid out and the damages determined and proceedings thereon shall be as upon a petition for the laying out of a highway.

38:17 Supply Contracts. Any such municipality may contract with individuals, corporations, and other municipalities and the citizens of such other municipalities for supplying them with electricity, gas, or water for any of the purposes named or contemplated in this chapter, and make such contracts, and establish such regulations and such reasonable rates for the use thereof, as may from time to time be authorized by the commission.

38:18 Commissioners. For the more convenient management of any such electric, gas, or water works system, any such municipality may vest the construction, management, control and direction of the same in a board of commissioners to consist of 3 or more citizens of such municipality, the commissioners to have such powers and duties as the municipality may prescribe. Their term of office shall be for 3 years and until their successors are elected and qualified. The first board of commissioners may be chosen for terms of one, 2, and 3 years, respectively, by the legal voters of the municipality at any legal meeting or election at which the provisions of this chapter are accepted, or at any special meeting or election thereafter called for that purpose, and their successors shall be elected at each annual meeting or election thereafter in the manner or form as the municipality may determine.

38:19 Appointment. The commissioners may be appointed by the mayor and board of aldermen or city council, by the selectmen of the town, or by the commissioners of the district if the municipality fails to elect or votes to allow appointments.

38:20 Compensation and Organization. The compensation of the commissioners shall be fixed by the municipality. They shall be sworn to the faithful discharge of their duties. They shall annually organize by choosing one of their number as chairperson of their board. They shall appoint a clerk and a superintendent of the works and such other officers as they may deem necessary, and shall thereupon furnish a certificate of such organization to the clerk of the municipality, who shall record the same in the clerk's records. The commissioners shall fix the compensation of all officers and agents appointed by them, and all officers and agents shall be sworn to the faithful discharge of their duties.

38:21 Reports. The commissioners shall annually, at the time other city, town, or district officers report, make a report to the municipality of the condition of the plant financially and otherwise, showing the funds of the department, the expenses and income of the department, and all other material facts. This report shall be published in the annual report of the municipality.

38:22 Liens and Collection of Charges.

I. All charges for services furnished to patrons by a municipally owned electric, gas, or water works shall create a lien upon the real estate where such services are furnished.

II. A municipality may use any of the following collection procedures for charges and the use of one collection procedure for one service shall not preclude the use of a different collection procedure for another service:

(a) A municipality may commit bills for charges to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. The tax collector shall have the same rights and remedies, including a lien on the real estate, and be subject to the same liabilities in relation thereto as in the collection of taxes as provided in RSA 80; provided, however, that the real estate lien shall continue for 18 months from the date of the last unpaid bill.

(b) The official or board responsible for administering the municipal utility may collect charges for services by direct billing on any periodic basis it may choose. All charges which are delinquent may be committed to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. The tax collector shall have the same rights

and remedies, including a lien on the real estate, and be subject to the same liabilities in relation thereto as in the collection of taxes as provided in RSA 80; provided, however, that the real estate lien shall continue for 18 months from the date of the last unpaid bill.

(c) If the official or board responsible for administering the municipal utility has not committed the charges to the collector of taxes, the municipality shall have a lien upon the real estate where the services were furnished and the lien shall continue for 18 months from the date of the last unpaid bill, unless the municipality records in the registry of deeds for the county in which the land is situated a notice of lien, in which case the lien shall continue for 6 years from the date of the last unpaid bill. The lien may be enforced in a suit by the municipality against the owner of the real estate. In such a suit, the municipality shall have the right to a judgment for per year charges, interest at the rate of 12 percent from the date of the last unpaid bill to the date of judgment, and costs. The records in the municipal department which furnished the services shall be sufficient notice to maintain suit upon the lien against subsequent purchasers or attaching creditors of the real estate.

(d) When the services were furnished to some person or legal entity other than the owner of the real estate, the liens provided for in this paragraph shall be effective against the owner of the real estate only for charges of which the owner of the real estate was notified by the municipality within 120 days of the date the charges became delinquent; provided, however, that a municipality may meet these notice requirements by mailing to the owner of the real estate copies of the bills for services at the same time bills are furnished to the person or legal entity which received the services.

38:23 Security Deposits from Tenants. Notwithstanding any other provision of law, any public utility, including any municipal corporation, providing electricity or gas services other than for resale to a customer who is not the owner of the premises serviced by the utility and who has a separate electric or gas meter, for the premises serviced, may obtain a security deposit from the customer only, and shall not obtain a security deposit from the owner of the premises. The owner of the premises shall not be liable for the failure of a tenant to pay the utility bill when such tenant's premises has a separate meter, and the utility shall not have any lien on the property of the landlord under RSA 38:22 for the tenant's failure to pay the utility bill.

38:24 Effect on City Charters. Nothing contained in this chapter shall affect, alter or change the provisions of any city charter with respect to the management, control, and direction of electric, gas, or water works.

#### Additional Provisions for Water Systems

38:25 Water Control. Any municipality which shall have received an order from the department of environmental services under the provisions of RSA 147, 485 or 485-A shall proceed forthwith, after a majority vote in favor of such action, by the governing body, to acquire whatever easements and lands as are necessary to comply with the order and may enter upon, for the purpose of survey leading to land description, any land within the municipality. In so proceeding, the selectmen of the town, commissioners of the district, county commissioners, or mayor and aldermen of a city shall institute any necessary land taking in accordance with the provisions of RSA 38:15 and 38:16, and anything contained in RSA 231 or in the statutes generally notwithstanding, the decision of the officials authorized by this section to institute proceedings shall not be vacated and any subsequent appeal or other action by the owner or owners shall be based solely on the amount of damages assessed, and the duly authorized agents of the municipality shall have full right of immediate entry for the purposes of detailed surveys, borings, or the conduct of any and all other actions necessary or desirable to aid the municipality in the implementation of the order of the department.

#### 38:26 Bylaws and Ordinances.

I. In municipalities with public water systems the governing body, or the board of water commissioners, if any, may adopt such ordinances and bylaws relating to the system or structures as required for proper maintenance and operation.

II. Any person who violates any ordinance or bylaw adopted pursuant to paragraph I of this section shall be subject to a civil penalty not to exceed \$10,000 per day of such violation.

38:27 Assessment for Water Supply. The governing body, or board of water commissioners if any, may assess upon the persons who are served by the water system, or whose lands receive special benefit from the water system, their just share of the expense of constructing, acquiring, and operating the system or paying any capital debt or interest incurred for the system.

38:28 Water Rates. For the defraying of the cost of acquisition, construction, payment of the interest on any debt incurred, management, maintenance, operation and repair of water systems, or construction, enlargement, or improvement of such systems, the governing body, or the board of water commissioners, if any, may establish a scale of rates to be called water rates, may prescribe the manner in which and the time at which such rates are to be paid and may change such scale from time to time as may be deemed advisable. The amount of such rates may be based upon the consumption of water on the premises connected to the water system, or the number of persons served on the premises, or upon some other equitable basis.

38:29 Water Funds.

I. The funds received from the collection of water rates shall be kept as a separate and distinct fund to be known as the water fund. Such fund shall be allowed to accumulate from year to year, shall not be commingled with town or city tax revenues, and shall not be deemed part of the municipality's general fund accumulated surplus. Such fund may be expended only for the purposes specified in RSA 38:28, or for the previous expansion or replacement of water lines or water systems.

II. Except when a capital reserve fund is established pursuant to paragraph III, all water funds shall be held in the custody of the municipal treasurer. Estimates of anticipated water rate revenues and anticipated expenditures from the water fund shall be prepared and submitted to the governing body as set forth in RSA 32:3, if applicable, and shall be included as part of the municipal budget submitted to the local legislative body for approval. If the municipality has a properly established board of water commissioners, then notwithstanding RSA 41:29 or RSA 48:16, the treasurer shall pay out amounts from the water fund only upon order of the board of water commissioners. Expenditures shall be within amounts appropriated by the local legislative body.

III. At the option of the local governing body, or of the board of water commissioners, if any, all or part of any surplus in the water fund may be placed in one or more capital reserve funds held in the custody of the trustees of trust funds pursuant to RSA 35:7. If such a reserve fund is created, then the governing body, or board of water commissioners, if any, may expend such funds pursuant to RSA 35:15 without prior approval or appropriation by the local legislative body, but all such expenditures shall be reported to the municipality pursuant to RSA 38:21. This paragraph shall not be construed to prohibit the establishment of other capital reserve funds for any lawful purpose relating to municipal water systems.

38:30 Protection of Water Supply. Any municipality or municipal water company supplying water to the public for domestic use shall have the power to take by the exercise of the right of eminent domain any property needed to protect the purity of the water so supplied, upon petition to the superior court or in the case of a village district to the board of selectmen of the town or towns within which the district is situated and proceedings thereon as in case of a petition for the laying out of a highway.

38:31 Discontinuance of Service.

I. Notwithstanding any other provision of law to the contrary, except as provided in paragraph V of this section, no municipal water company shall disconnect service to a customer if any part of the service provided accrues to the benefit of one or more parties known by company to be residential tenants, unless the company gives written notice to the tenants. Such notice shall set forth:

(a) The date on or after which the company proposes to disconnect service.

(b) A statement that the reason for disconnection is a dispute between the company and the landlord.

(c) A statement that the tenant should contact the landlord for more information.

(d) An address and telephone at which the tenant may contact the utility in order to make arrangements to maintain service.

II. A municipal water company shall refrain from terminating service to the affected premises if so requested by the tenant, provided that the tenant agrees to be responsible for service provided as of the date of the tenant's request. However, the water company may continue to list the landlord's past due balance on the tenant's bill, and the lien created pursuant to RSA 38:22 shall include any past due charges which accrue after the company begins billing the tenant. The utility shall provide direct service to the person requesting it on terms and conditions applicable to all residential customers. Such service may include other charges, such as sewer and fire protection service, if customarily included with water service billing.

III. Immediately upon learning that a tenant has been disconnected without the notice required in paragraph I, the water company shall reconnect service and may charge a reasonable reconnection fee which may be added to the existing arrearage.

IV. The notice required by paragraph I shall be provided to the tenant no less than 7 days in advance of the proposed disconnection, by posting a conspicuously lettered notice on the main entrance door to each building in which service is being terminated. In addition, the company shall post the notice on a back door or side door to which the company has reasonable access, or in a common area of each building. The company, at its option, may notify the tenants in the affected property by mail rather than by posting.

V. The notice to tenants required by paragraph I of this section shall not be required when necessary to avoid danger to life or property, and upon the order of a duly constituted public authority such as police, firefighters, public health officer, and building inspectors.

Additional Provisions for Electric Systems

38:32 Exemption for Municipal Small Scale Power Facility. Except in municipalities which have acquired, expanded, or established a plant under this chapter, the development by a municipality of any small scale power facility, as defined in RSA 374-D:1, IV shall not be subject to the provisions of this chapter. Nothing in this section shall be construed as exempting municipalities from the provisions of this chapter with respect to the acquisition of a utility plant and equipment if there exists a dispute between the municipality and the utility.

38:33 Consequential Damages. To the extent that the Federal Energy Regulatory Commission does not have jurisdiction, the commission shall determine, to a just and reasonable extent, the consequential damages such as stranded investment in generation, storage, or supply arrangements resulting from the purchase of plant and property from a utility and shall establish an appropriate recovery mechanism for such damages. The commission need not make such a determination when the municipality and utility agree upon the sale of utility plant and property.

38:34 Unbundling Rates and Open Access. Municipal electric utilities established after July 1, 1997, shall unbundle their rates and allow for open access to competitive retail electric supply markets as soon as retail electric competition is certified to exist anywhere in the state pursuant to RSA 38:36. Municipal electric utilities established prior to July 1, 1997, may voluntarily unbundle their rates and allow open access to competitive retail electric supply markets.

38:35 Financial Responsibility.

I. Any retail electric customer located within a municipality that has established a municipal electric utility after July 1, 1997, but who is not within the service area of such utility, shall not be responsible for, and no entity may require the customer to pay, through taxes or otherwise, any costs associated with such utility except for electric power and services consumed directly by the municipality, and any electric power and services sold by the utility to the customer.

II. Any retail electric customer located within the service area of a municipal electric utility established after July 1, 1997, who does not purchase generation services by or acquired through such municipal electric utility, as allowed by RSA 38:34, shall not be responsible for, and no entity may require the customer to pay, through taxes or otherwise, any costs of generation services from such municipal electric utility, except for electric power consumed directly by the municipality. Nothing in this paragraph shall prevent any property owners or retail electric customers from signing contracts of any duration with such municipal electric utility after retail electric competition is certified to exist pursuant to RSA 38:36, and being bound by their terms, including damages for termination.

III. If any municipal electric utility acquires existing plant and equipment used for the generation of electric power, the municipal electric utility shall make payments in lieu of property taxes in the amount that the plant and equipment would have paid taxes if they had been owned by a private owner. Such payments in lieu of taxes shall be included in "costs of generation services" as provided in paragraph II.

38:36 Certification. The chairman of the public utilities commission shall certify to the secretary of state the date that retail electric competition exists in each portion of the state.

2 Definition; Revenue-Producing Facilities. Amend RSA 33-B:1, VI to read as follows:

VI. "Revenue-producing facilities" means water works, sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource recovery facilities, parking facilities, *facilities for the production, generation, transmission, or distribution of electricity or gas* and

any other real or personal property or interests in a municipality owned or controlled by the municipality, from the operation of which revenues are or are expected to be derived by the municipality.

3 New Subdivision; Redundant Electric Lines. Amend RSA 374 by inserting after section 57 the following new subdivision:

**Redundant Electric Lines**

374:58 Redundant Lines. No public utility or municipal utility shall construct redundant parallel electric utility lines. Such duplication of lines shall be deemed contrary to sound economic policy and contrary to the public interest. This section shall not apply until retail electric competition is certified to exist pursuant to RSA 38:36.

4 Reference Change. Amend RSA 374-B:1, III to read as follows:

III. "Municipality" means a city, town or village district engaged in the generation and sale or the purchase and sale of electricity or the ~~[transmission]~~ *distribution* thereof, for ultimate consumption by the public under provisions of RSA 38, RSA 52 or any special laws. Except where otherwise specifically provided, a municipality may exercise any of its powers or authority contained in this chapter through its municipal officers or members of the board of commissioners in whom the management of its electric system is vested.

5 Reference Change. Amend RSA 374-B:15, II to read as follows:

II. The determinations of the commission required under RSA 38:9 or ~~[+]~~ *38:10* have been made not more than ~~[24]~~ *12* months following the initial vote taken under RSA ~~[38:4 or 5]~~ *38:3, RSA 38:4 or RSA 38:5*, except that this provision shall not apply to any vote taken prior to June 24, 1975.

6 Reference Change. Amend RSA 485:4 and 485:5 to read as follows:

485:4 Power to Require Improvements. The department is empowered to investigate the sanitary conditions and methods pertaining to the source, treatment, and distribution of all public water supplies for domestic use, and to require the application of any treatment or improvement in conditions and methods as it may deem necessary to insure fitness and safety and adequate protection of the public health. If the department determines that improvements are necessary, the municipality, corporation, or person shall be so notified in writing and the requirements so ordered shall be effected pursuant to RSA ~~[38:14-a]~~ *38:25* within a reasonable time to be fixed by the department. Appeals of actions of the department may be made as provided in RSA 485:59. The department may set intermediate goals and time frames to assist municipalities, corporations, or persons to abide by an order of the department under this section.

485:5 Power to Require Acquisition of Land. The acquisition of adjacent or marginal lands necessary to provide reasonable sanitary control over the quality of a public water supply shall be deemed an improvement in sanitary conditions which is within the power of the department to require under the provisions of RSA 485:4. Municipalities shall comply with such order pursuant to RSA ~~[38:14-a]~~ *38:25*.

7 Reference Change. Amend RSA 485:28 to read as follows:

485:28 Power to Require the Installation of Sewage Facilities. The department is hereby empowered to investigate the conditions and methods relating to the disposal of sewage in any municipality, as set forth in RSA 486:1, and to require the installation of public sewers, as defined in RSA 147:8, whenever such investigation demonstrates that individual sewage disposal systems are inadequate or incapable of protecting the health and welfare of the citizens of the affected municipality or preventing pollution of the surface waters of the state, as defined in RSA 485-A. Before issuing an order requiring the installation of public sewer facilities, the department shall notify the municipality of its findings and shall give the municipality an opportunity to be heard. After such hearing if it shall be determined that said facilities are necessary, the municipality shall be so notified in writing and the requirements so ordered shall be effected pursuant to RSA ~~[38:14-a]~~ *38:25* within a reasonable time to be fixed by the department. If any municipality whose duty it is to act shall fail or refuse for a period of 10 days after the expiration of the time fixed by said order, or, in the case of appeal for a period of 10 days after final judgment shall have been entered, to obey the same or in good faith to begin to make the installation as ordered, such municipality so failing shall be fined not more than \$1,000 for each day of failure to comply with the order of the department. Said fine shall be paid to the state and may be recovered in an action of debt brought by the attorney general in the name of the state treasurer.

8 Reference Change. Amend RSA 485-A:22, III to read as follows:

III. The department shall issue a written cease and desist order against any discharge or act in violation of this subdivision or RSA 485-A:5 or lawful regulation of the department made under them or any condition of any permit lawfully issued by the department, and any such discharge or act may be enjoined by the superior court upon application of the attorney general, whether the court is in term time or vacation. Municipalities shall comply with such orders pursuant to RSA ~~38:14-a~~ 38:25.

9 Severability. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or the application of such provision to other persons or circumstances, and to this and the provisions of this act are severable.

10 Effective Date. This act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill revises RSA 38, relative to municipal lighting and water systems, to apply to the establishment and operation of municipal electric, gas, or water systems.

Adopted.

Report adopted and ordered to third reading.

Rep. Joseph Foster declared a conflict of interest and did not participate.

### **HB 716**, relative to economic development and retention rates and special contracts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley & Rep. Harold V. Lynde for Science, Technology and Energy: Legislation passed in 1996 created economic development and business retention electric rates for those businesses that could leave the state, or would not move to, or expand within New Hampshire due to our extremely high electric rates. This bill modifies that policy so that it is consistent with competition in the electric industry. The committee believes it is critically important to attract new businesses to the state as well as retain existing businesses so that stranded costs will be recovered from the largest possible customer base. Passage of this bill will not effect any economic development and business retention rates or special contract agreements entered into prior to the date upon which the Chairman of the Public Utilities Commission certifies that retail electric competition exists within New Hampshire. Vote 18-0.

### **Amendment (0712h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that for electric service:

I. When retail electric competition exists, economic development discounts and retention discounts for stranded cost recovery charges will be useful tools in assisting the state's economy if their use is limited to cases which benefit all ratepayers.

II. It is in the public interest to establish both discounts as expeditiously as possible.

III. Tariffed economic development discounts and tariffed retention discounts should be preferred to individually negotiated special contracts, but special contracts may be necessary in some circumstances.

IV. In order to limit the possible impact on other ratepayers, economic development discounts, retention discounts, and special contract discounts should be specific discounted rates that are discounts from the tariffed stranded cost recovery change rates, not percentage discounts from future variations in tariffed stranded cost recovery charges.

V. Use of discounts will increase employment, avoid the loss of employment, or decrease the cost of electricity to other ratepayers.

2 New Paragraph; Availability of Economic Development and Retention Rates. Amend RSA 378:11-a by inserting after paragraph V the following new paragraph:

VI. The rates established in this section shall not be granted to new applicants in any portion of the state after retail electric competition is certified to exist in that portion of the state pursuant to RSA 378:11-b, VIII. Customers receiving service under existing rates established in this section shall be allowed to continue under those rates for the remainder of the agreed-upon term.

3 New Section; Economic Development Discounts and Retention Discounts. Amend RSA 378 by inserting after section 11-a the following new section:

**378:11-b Economic Development Discounts and Retention Discounts**

I. In this section, "stranded cost region" means a region of the state in which a stranded cost recovery charge (SCRC) has been imposed such that if the existing load were to decrease, the SCRCs collected from other ratepayers in that region would increase either in rate or in duration.

II. Notwithstanding any other provision of law to the contrary, the commission shall establish procedures for the review and approval of discounted SCRC rates that foster economic development and retention of existing load within the state. For the purposes of this section, "economic development discounts" means discounted SCRC rates, the purpose of which is to attract new industrial companies to the state and to encourage significant expansion of existing industrial load. For the purposes of this section, "retention discounts" means discounted SCRC rates, the purpose of which is to retain existing industrial load that would otherwise leave a stranded cost region. Such procedures shall provide that all electric utilities serving retail customers may file with the commission generally available schedules of discounted SCRC rates for the provision of economic development discounts and/or retention discounts to industrial customers, for a fixed period of time not to exceed 5 years. Such procedures may limit eligibility based on standard industrial classification (SIC) codes, provided that most industrial load is eligible. Such discounts shall take into consideration the effect on the stranded cost recovery charge to other ratepayers, the amount of new demand and energy for electric service involved, the effect on employment within the state, material adverse competitive impact on existing in-state firms, and end-user participation in conservation programs and other state established economic development enhancement programs. The commission shall approve such tariffed discounts only within stranded cost regions.

III. These discounts shall be discounts of the stranded cost recovery charge only, and shall not provide for discounts of distribution, transmission, or system benefits charges.

IV. To ensure fairness in the application of these discounts, if the commission finds that it is in the public good, the retention discount or the economic development discount may also be offered to a direct competitor of a company that has qualified for such rate.

V. Any request that a retention discount be granted to a particular customer shall become effective 30 days after filing, unless the commission rejects the request. The commission shall approve granting a retention discount to a particular customer that meets the eligibility criteria only after the commission:

(a) Gives the office of the consumer advocate an opportunity to examine any confidential data submitted in support of the request and an opportunity to comment.

(b) Except as provided in paragraph IV, finds that there is a strong likelihood that the existing load would have left the stranded cost region, and that granting a discount to a particular customer will then result in a benefit to other ratepayers.

VI. In any rate proceeding or stranded cost recovery charge proceeding subsequent to approval of economic development discounts or retention discounts, the commission shall not impute to the test year revenues, revenue requirements, or SCRC requirements the amount of the economic development discount or the amount of the retention discount, provided that those customers have qualified for the discount.

VII. The discounts established in this section shall not be available until retail electric competition is certified to exist in that portion of the state pursuant to paragraph VIII, and shall not be available after December 31, 2005.

VIII. The chairman of the public utilities commission shall certify to the secretary of state the date that retail electric competition exists in each portion of the state.

4 New Paragraph; New Special Contracts. Amend RSA 378:18-a by inserting after paragraph IV the following new paragraph:

V. In any portion of the state in which retail electric competition is certified to exist pursuant to RSA 378:11-b, VIII, new special contracts, or modifications of existing contracts, designed to retain or attract load shall be available to a customer only if all the conditions of RSA 378:11-b for applicability and approval are met, except as provided in RSA 378:11-b, V; the contract is approved pursuant to RSA 378:18, the commission finds that unusual circumstances exist such that no tariffed rate or discounted stranded cost recovery charge rate is sufficient to retain or attract the load, the commission gives the office of the consumer advocate an opportunity to examine any confidential data submitted in support of the request and an opportunity to comment, and the commission finds that there is a strong likelihood that granting the special contract to a particular

customer will then result in a benefit to other ratepayers. Such special contracts to retain or attract load shall provide for discounts of the stranded cost recovery charge only, and shall not provide for discounts of distribution, transmission, or system benefits charges.

5 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes economic development discounts and retention discounts, which will be available to eligible industrial customers of electric utilities after retail electric competition is certified to exist.

Adopted.

Report adopted and ordered to third reading.

Rep. Joseph Foster declared a conflict of interest and did not participate.

**HB 726-FN**, relative to the jurisdiction and authority of the public utilities commission, and relative to the underground utility damage prevention system. **OUGHT TO PASS WITH AMENDMENT**

Reps. John H. Thomas and. Jeb E. Bradley for Science, Technology and Energy: This bill authorizes a 911 charge on wireless or cellular telephone service. Currently the 911 charge is accessed only on phone lines. Given the increasing demand for 911 service from cellular phones, the committee believes this new charge is entirely appropriate. The bill also creates a violation for deliberate misuse of the 911 system. Such misuse is significant in many regions of the country. This legislation also updates the digsafes program. Finally the bill authorizes the Public Utilities Commission to establish non-price requirements for competitive electric suppliers. These requirements include registration, registration fees, customer information, disclosure, standards of conduct, and customer protection. The pilot program has highlighted the need for the Commission to be involved with these specific aspects of electric industry restructuring relative to competitive electricity suppliers. Vote 19-0.

### Amendment (0723h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the jurisdiction and authority of the public utilities commission, the underground utility damage prevention system, and the 911 system.

Amend the bill by deleting sections 1-2 and renumbering the original sections 3-18 to read as 1-16, respectively.

Amend RSA 362:4-b, I as inserted by section 1 of the bill by replacing it with the following:

I. The term "public utility" shall not include any corporation, company, association, joint stock association, partnership and person, their lessee, trustee or receiver appointed by any court, or assignee, which provides, sells, delivers, or stores liquefied petroleum gas in cylinders or tanks, or who distributes vaporized liquefied petroleum gas through underground distribution systems.

Amend RSA 369:8, II as inserted by section 2 of the bill by replacing it with the following:

*II. To the extent that the approval of the commission is required by any other statute for any corporate restructuring, merger, acquisition, financing, change in long-term or short-term indebtedness, or issuance of stock involving parent companies of public utilities regulated by the commission, the approval of the commission shall not be required if the public utility represents to the commission in writing no less than 30 days prior to the anticipated completion of the transaction that the transaction will not adversely affect the rates, terms, service, or operation of the public utility within the state.*

Amend RSA 374:51, IV and V as inserted by section 8 of the bill by replacing them with the following:

IV. Prior to complying with the notification requirements of paragraph II, an excavator shall identify the perimeter of the proposed site of the excavation by marking the perimeter in an appropriate manner in the color white or shall communicate the perimeter of the excavation by means of construction plans, an on-site meeting with affected operators, or other suitable means acceptable to the parties.

V. When making the notification required by this section, the excavator shall identify which of the methods described in paragraph IV will be used to identify the proposed excavation.

Amend the bill by replacing section 11 with the following:

11 Notice of Damage; Notification to Operator. Amend RSA 374:54 to read as follows:

374:54 Notice of Damage. When any underground ~~[utility]~~ facility is damaged, the excavator causing the damage shall immediately notify the affected ~~[company]~~ operator. The excavation shall not be backfilled without first receiving permission from the ~~[company]~~ operator whose facility was damaged.

Amend RSA 374:55, IV-c and IV-d as inserted by section 12 of the bill by replacing them with the following:

*IV-c. Any excavator who does not identify the proposed excavation area in accordance with RSA 374:51, IV shall be subject to a civil penalty of up to \$500.*

*IV-d. The civil penalties provided for in this section may be increased to \$5,000 for any excavator who, in the prior 3 years, has been found to have violated RSA 374:51.*

Amend the bill by replacing all after section 15 with the following:

16 Cellular or Wireless 911 Service. Amend RSA 106-H:8 to read as follows:

106-H:8 ~~[Telephone-Utility]~~ Coordination by Provider of Telephone Service. Every telephone utility authorized to do business in the state pursuant to RSA 374:22 *and every entity which provides cellular mobile or 2-way wireless telecommunications service* shall make available the universal emergency telephone number 911 for use by the public in seeking assistance from fire, police and other related safety agencies through a single public safety answering point, ~~[no later than 3 years from the effective date of]~~ *for the purpose of implementing* this chapter. *Any provider of cellular mobile or 2-way wireless telecommunications services shall be entitled to reimbursement from the bureau of the reasonable expenses incurred to accomplish the provision of enhanced 911 service to the extent authorized by the Federal Communications Commission and approved by the enhanced 911 commission. The bureau may utilize the services of any other state agency or a consultant to assist in reviewing the requested reimbursement to insure that it is reasonable and may seek recovery of the expense of that review from the provider.*

17 Cellular or Wireless 911 Surcharge. Amend RSA 106-H:9, I to read as follows:

I. The enhanced 911 system shall be funded through a surcharge to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, ~~[trunks and lines serving cellular communications towers in the state;]~~ *each individual cellular or 2-way wireless telephone number, and each semi-public and public coin and public access line.* No such surcharge shall be imposed upon more than 25 *business telephone exchange lines, including PBX trunks and Centrex lines*, per customer billing account. *In the case of local exchange telephone companies*, the surcharge shall be contained within tariffs *or rate schedules* filed with the public utilities commission and shall be billed on a monthly basis by each local exchange telephone company. *In the case of an entity which provides cellular mobile or 2-way wireless telecommunications services the surcharge shall be billed to each customer on a monthly basis.* Each local exchange telephone company *or entity which provides cellular mobile or 2-way wireless telecommunications services* shall remit the surcharge amounts on a monthly basis to the enhanced 911 services bureau, which shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund. Such fund shall be continually appropriated to the bureau and shall not lapse. The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services, in accordance with the terms of this chapter. Surcharge amounts shall be reviewed after the budget has been approved or modified, and if appropriate, new tariffs *or rate schedules* shall be filed with the public utilities commission reflecting the surcharge amount.

18 New Section; Misuse of 911 System. Amend RSA 106-H by inserting after section 14 the following new section:

106-H:15 Misuse of 911 System. Any deliberate use of the universal emergency telephone number 911 for any reason other than seeking emergency assistance from fire, police, or other safety related agencies shall constitute misuse of the 911 system. The third and any subsequent misuse of the 911 system in a calendar year shall constitute a violation.

19 New Section; Competitive Electricity Supplier Requirements. Amend RSA 374-F by inserting after section 6 the following new section:

374-F:7 Competitive Electricity Supplier Requirements. The commission is authorized to establish requirements, excluding price regulation, for competitive electricity suppliers, including reg-

istration, registration fees, customer information, disclosure, standards of conduct, and consumer protection and assistance requirements. These requirements shall be applied in a manner consistent with the restructuring principles of this chapter to promote competition among electricity suppliers. The commission is further authorized to assess fines against, to revoke the registration of, and prohibit from doing business in the state, any competitive electricity supplier which violates the requirements of this section. The commission shall adopt rules, under RSA 541-A, to implement this section. Aggregators of electricity load that do not take ownership of power and do not represent any supplier interest shall not be regulated by the commission.

20 Effective Date.

I. RSA 374:51, IV and V as inserted by section 8 of this act and RSA 374:55, IV-c as inserted by section 12 of this act shall take effect January 1, 1998.

II. Sections 17 and 18 of this act shall take effect July 1, 1997.

III. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

- (a) Exempts certain gas distributors from regulation as a public utility.
- (b) Makes misuse of the 911 system a violation.
- (c) Exempts from approval by the commission certain activities of parent companies of public utilities which do not adversely affect rates or services in state.
- (d) Makes various changes to the underground utility damage prevention system.
- (e) Allows the commission to waive submission requirements for certain least cost integrated resource plans.
- (f) Expands the enhanced 911 system to include cellular or wireless providers.
- (g) Authorizes the public utilities commission to establish and enforce requirements, excluding price regulation, for competitive electricity suppliers.

Adopted.

Report adopted and ordered to third reading.

**HCR 12**, urging ratification of the Convention for the Elimination of All Forms of Discrimination Against Women. **OUGHT TO PASS**

Rep. John M. Pratt for State-Federal Relations and Veterans Affairs: This convention reaffirms the policy of the United States that any form of discrimination against women is not acceptable. The resolution places the General Court on record in support of United States ratification of the convention. Vote 11-4.

Reps. Edwin Smith and Fuller Clark spoke against.

Rep. Cobbin spoke against and yielded to questions.

The report failed.

Rep. Edwin Smith moved Re-refer to Committee.

Rep. Murch spoke in favor.

Adopted.

**HJR 2**, urging the members of Congress to support and pass the Family Forestland Preservation Tax Act. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James J. Fenton for the Majority of State-Federal Relations and Veterans Affairs: The committee recognized the value of family wood lots and the over-all importance of the timber industry to the economy of our state. Therefore, the majority of the members support the Congressional legislation introduced by Senator Gregg known as the Family Forestland Preservation Tax Act. This act offers heirs economical incentives to sustain proper management of these forest. Vote 10-4.

Rep. George R. Rubin for the Minority of State-Federal Relations and Veterans Affairs: The uses of preservation of forestlands has some merit, however, the thrust of this resolution is to change the tax codes for special interests. It forgives and reduces to pay capital gains and federal inheritance taxes for selected heirs.

Majority report adopted and ordered to third reading.

**HB 203**, relative to driving after a revocation or suspension of license. **OUGHT TO PASS**

Rep. Philip M. Ackerman for Transportation: This bill makes a second and subsequent offense of driving after suspension of license a misdemeanor, regardless of whether the suspension was

as a result of court-imposed penalty or administrative license suspension. Currently, first and second Administrative License Suspension violations are violations. The committee felt that increasing the penalty would act as a deterrent and possibly increase the collection of defaulted fines. Vote 11-2.

Adopted and ordered to third reading.

**HB 273-FN**, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ralph L. Akins for Transportation: Teens have the lowest usage rate of any age group when it comes to wearing a seat belt, yet the highest rate of accidents. The committee felt that it was logical to extend the child passenger restraint law age from 12 to 18 years of age since statistics show that the number of serious injuries and fatalities have dropped significantly since the original child passenger restraint law was enacted. Vote 14-0.

### Amendment (0648h)

Amend the bill by replacing all after the enacting clause with the following:

1 Age Increased. Amend RSA 265:107-a, I to read as follows:

I. No person shall drive a motor vehicle on any way while carrying as a passenger a ~~[child]~~ *person* less than ~~[+2]~~ 18 years of age unless such ~~[child]~~ *person* is wearing a seat or safety belt which is properly adjusted and fastened or, if the ~~[child]~~ *person* is less than 4 years of age, unless such ~~[child]~~ *person* is properly fastened and secured by a child passenger restraint which is in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 571.213. No person shall drive a motor vehicle on any way while carrying as a passenger a ~~[child]~~ *person* less than ~~[+2]~~ 18 years of age unless the motor vehicle was designed for and equipped with the ~~[child]~~ passenger restraints specified above.

2 New Paragraph; Safety Belt Required for Drivers Under 18. Amend RSA 265:107-a by inserting after paragraph I the following new paragraph:

I-a. No person who is less than 18 years of age shall drive a motor vehicle on any way unless such person is wearing a seat or safety belt which is properly adjusted and fastened.

3 Fines Established. Amend RSA 265:107-a, III to read as follows:

III. Any driver who violates the provisions of this section shall be guilty of a violation[-], *and shall be subject to the following fines:*

*(a) \$25 for a first offense.*

*(b) \$50 for a second or subsequent offense.*

4 New Paragraphs; Relation to Other Offenses. Amend RSA 265:107-a by inserting after paragraph IV the following new paragraphs:

V. A conviction for violating the provisions of this section shall not preclude prosecution of any other offense for which violation of this section might constitute an element.

VI. Enforcement of this section by law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a violation or some other offense; provided, however, that a motor vehicle may be stopped for failure to comply with this section if the seat belt violation for a person under 12 years of age.

5 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill modifies the child passenger restraint law by increasing the age that restraints are required from 12 years of age to 18 years of age, imposing a schedule of fines for violations of the law, and clarifying the enforcement of the law.

On a division vote, 283 members having voted in the affirmative and 54 in the negative, the amendment was adopted.

Reps. Vaillancourt and MacGillivray spoke against and yielded to questions.

Reps. Marsha Pelletier, Pilliod and Burling spoke in favor.

Rep. Packard spoke in favor and yielded to questions.

Rep. Cloutier requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 279 NAYS 66****YEAS 279****BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Lawton, Robert  
Turner, Robert

Boriso, Thomas  
Holbrook, Robert  
Pilliod, James  
Ziegra, Alice

Boyce, Robert  
Laflam, Robert  
Rice, Thomas, Jr.

Clark, Charles  
Lawton, David  
Rosen, Ralph

**CARROLL**

Bradley, Jeb  
Lyman, L. Randy

Cooper, Kipp  
MacDonald, Kenneth

Foster, Robert  
Mock, Henry

Howard, Godfrey  
Philbrick, Donald

**CHESHIRE**

Bonneau, Sarah  
Doucette, Richard  
Meador, David  
Riley, William  
Smith, Edwin

Burnham, Daniel  
Hunt, John  
Metzger, Katherine  
Robertson, Timothy  
Steere, Myron, III

Champagne, Richard  
Lynch, Margaret  
Pratt, John  
Royce, H. Charles  
Vogl, John

DePecol, Benjamin  
Lynott, Margaret  
Richardson, Barbara  
Russell, Ronald

**COOS**

Bradley, Paula  
Guay, Lawrence  
Tholl, John, Jr.

Coulombe, Henry  
Mears, Edgar

Coulombe, Yvonne  
Moynihan, Wayne

Davis, Perley  
Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Chase, Paul, Jr.  
Hill, Richard  
Luker, Elsa  
Williams, William, Jr.

Alger, John  
Copenhaver, Marion  
Hinman, Harry  
MacNeil, Allen

Almy, Susan  
Guaraldi, Lawrence  
LaMott, Paul  
Nordgren, Sharon

Below, Clifton  
Guest, Robert  
Lovett, Sidney  
Trelfa, Richard

**HILLSBOROUGH**

Ackerman, Philip  
Barry, William, III  
Bernier, Shannon  
Calawa, Leon, Jr.  
Chabot, Robert  
D'Allesandro, Lou  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Joseph  
Ginsburg, Ruth  
Haley, Robert  
Holden, Carol  
Jean, Claudette  
Leonard, Peter  
McCarty, Winston  
Mercer, Robert  
O'Hearn, Jane  
Reidy, Frank  
Wheeler, Robert

Allen, W. Gordon  
Batula, Peter  
Briefs, Geoffrey  
Cardin, Lori  
Clay, Susan  
Daigle, Robert  
Durham, Susan  
Ferguson, Charles  
Foster, Linda  
Golding, William  
Hall, Betty  
Holley, Sylvia  
L'Heureux, Robert  
Lozeau, Donnalee  
McDonald, James, Sr.  
Messier, Irene  
Perkins, Paul  
Sargent, Maxwell  
Williams, Carol

Amidon, Eleanor  
Belvin, William  
Brundige, Robert  
Carlson, Donald  
Cote, David  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Fields, Dennis  
Gage, Ruth  
Gosselin, Gerald  
Hansen, Herbert  
Holt, David  
LaRose, Richard  
MacAuslan, Rita  
McGough, Tim  
Milligan, Robert  
Peterson, Andrew  
Searles, Stanley, Sr.

Asselin, Robert  
Bergin, Peter  
Buckley, Raymond  
Carney, Lauren  
Cote, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Flora, Kathleen  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Hart, Nick  
Hunter, Bruce  
Lefebvre, Roland  
MacIntyre, Doris  
Melcher, Harold  
Murphy, Robert  
Piteri, Dawn  
Turgeon, Roland

**MERRIMACK**

Anderson, Eric  
Crowell, Peter

Burney, Carol  
Daneault, Gabriel

Colburn, Kathleen  
DeStefano, Stephen

Crosby, Toni  
Dunn, Miriam

Feuerstein, Martin  
Hager, Elizabeth  
Lamach, Bernard  
Maxfield, Roy  
Pfaff, Terence  
Wallin, Jean  
Yeaton, Charles

Fraser, Marilyn  
Hess, David  
Langer, Ray  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

French, Barbara  
Hoadley, Elizabeth  
Leber, William  
Morrill, Olive  
Seldin, Gloria  
Whalley, Michael

Gile, Mary  
Jacobson, Alf  
Marshall, Kenneth  
Owen, Derek  
St. Cyr, Gerard  
Whitemore, James

### ROCKINGHAM

Battles-Peirce, Marjorie  
Carson, Gregory  
Coes, Betsy  
Dowd, Sandra  
Fesh, Robert  
Frechette, Joseph  
Henderson, Warren  
Katsakiores, George  
Kobel, Rudolph  
Lovejoy, Marian  
McGovern, Cynthia  
Norelli, Terie  
Pantelakos, Laura  
Schanda, Frank  
Stone, Joseph  
Varrell, Thomas  
Woods, Deborah

Belanger, Ronald  
Case, Margaret  
Cooney, Richard  
Downing, Michael  
Flanders, David  
Gleason, John  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langley, Jane  
Major, Norman  
McKinney, Betsy  
Nowe, Ronald  
Raynowska, Bernard  
Simmons, John Anthony  
Stritch, C. Donald  
Vaughn, Charles

Bishop, Franklin  
Christie, Andrew, Jr.  
Cushing, Robert  
Dube, LeRoy  
Flanders, John, Sr.  
Griffin, Mary  
Johnson, Robert  
Kelley, Jane  
Langone, John  
Malcolm, Kenneth  
Micklon, Stephanie  
O'Keefe, Patricia  
Reardon, Neil  
Smith, Kevin  
Syracusa, Anthony  
Weatherspoon, Jackie

Blanchard, MaryAnn  
Clark, Martha  
Dearborn, Bruce  
Dunham, Vivian  
Francoeur, Sheila  
Heath, John  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McCarthy, John, Jr.  
Mikowski, Walter  
Packard, Sherman  
Sabella, Norma  
Stickney, Nancy  
Tufts, J. Arthur  
Welch, David

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Kaen, Naida  
McCann, William, Jr.  
Pelletier, Marsha  
Snyder, Clair  
Torr, Ann  
Wall, Janet

Brennan, William  
Estabrook, Iris  
Keans, Sandra  
Merrill, Amanda  
Rogers, Rose Marie  
Spear, Barbara  
Tsiros, William

Brown, Julie  
Hemon, Roland  
Knowles, William  
Merritt, Deborah  
Rollo, Michael  
Sullivan, Henry  
Twardus, Joseph

DeChane, Marlene  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Vachon, Dennis

### SULLIVAN

Adler, Rudolf  
Donovan, Thomas  
Lindblade, Eric

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Schotanus, Merle

Cloutier, John  
Leone, Richard

### NAYS 66

### BELKNAP

Thomas, John

### CARROLL

Babson, David, Jr.

Dickinson, Howard, Jr.

Kenney, Joseph

Patten, Betsey

### CHESHIRE

Avery, Stephen

### COOS

Horton, Lynn

Merrill, Gerald

St. Hilaire, Paul

### GRAFTON

Cobbin, Philip  
Phinney, William

Eaton, Stephanie  
Root, John

Ham, Bonnie  
Teschner, Douglass

Mirski, Paul  
Weber, Phil

**HILLSBOROUGH**

|                    |                   |                       |                       |
|--------------------|-------------------|-----------------------|-----------------------|
| Alukonis, David    | Boutin, David     | Burke, M. Virginia    | Christiansen, Lars    |
| Clegg, Robert, Jr. | Clemons, Jane     | Daniels, Gary         | Desrosiers, William   |
| Fenton, James      | Goulet, Maurice   | Herman, Keith         | Jean, Loren           |
| Johnson, Lionel    | Kurk, Neal        | Leishman, Peter       | Lessard, Rudy         |
| Letendre, Evelyn   | Luebkert, Bernard | MacGillivray, Jeffrey | Marcinkowski, Michael |
| Martin, Mary       | McCarthy, William | Mittelman, David      | Murch, George         |
| Pepino, Leo        | Riley, Frances    | Thulander, O. Alan    | Vaillancourt, Steve   |
| White, Donald      | Wright, George    |                       |                       |

**MERRIMACK**

|                 |                 |                 |                   |
|-----------------|-----------------|-----------------|-------------------|
| Adams, Stephen  | Chandler, Earle | Colburn, Thomas | Krueger, Patricia |
| Larrabee, David | Lavoie, Gerard  | Nichols, Avis   |                   |

**ROCKINGHAM**

|                 |                 |                |                |
|-----------------|-----------------|----------------|----------------|
| Beaulieu, Jon   | Camm, Kevin     | Dodge, Robert  | Dolan, Richard |
| Gibbons, Paul   | Guthrie, Joseph | Morris, Debbie | Noyes, Richard |
| Weyler, Kenneth |                 |                |                |

**STRAFFORD**

|                  |                |
|------------------|----------------|
| McKinley, Robert | Torr, Franklin |
|------------------|----------------|

**SULLIVAN**

Krueger, Richard

and the report was adopted.  
Ordered to third reading.

**HB 640**, establishing a committee to examine the feasibility of establishing a state of the art meteorological center at the former Pease Air Force Base. **INEXPEDIENT TO LEGISLATE**  
Rep. Eric N. Lindblade for Commerce: In view of the present financial restraints, the committee felt it was not the right time to study this problem. Vote 12-0.  
Rep. Varrell spoke against.  
Adopted.

**HB 118-FN**, relative to penalties for marijuana possession. **INEXPEDIENT TO LEGISLATE**  
Rep. Yvonne Coulombe for Criminal Justice and Public Safety: This bill would reduce the penalties for possession of 1 ½ ounces of marijuana from a class A misdemeanor to a violation. Our legislature has enacted a strong controlled drug law over the past 10 years. The committee feels that this proposal would be contrary to our clear public policy against the use of unlawful drugs by minimizing the penalties for possessing a substantial amount of marijuana. Vote 17-0.  
Rep. Robertson spoke against.  
Rep. Flora spoke in favor.  
Adopted.

**HB 329**, repealing the fireman's rule. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Sandra B. Keans for Judiciary and Family Law: The original bill was a repeal of the fireman's rule. The committee could not support that because we believe the legislation agreed to in 1993 among all parties still makes good public policy. We believe that the amendment better clarifies just what that agreement was and tries to incorporate the committee report of SB 109 from 1993. Vote 13-0.

**Amendment (0561h)**

Amend the title of the bill by replacing it with the following:  
**AN ACT** clarifying the applicability of the fireman's rule.

Amend the bill by replacing all after the enacting clause with the following:  
1 Clarification of Applicability of Fireman's Rule. Amend RSA 507:8-h, I to read as follows:  
1. Firefighters, emergency medical technicians (E.M.T.'s), police officers and other public safety officers shall have no cause of action for injuries arising from negligent conduct which

created the particular occasion for the officer's official engagement. However, this section does not affect such officer's causes of action *for negligent acts which take place on the scene of the incident which created the particular occasion for the officer's official engagement but which are subsequent to the incident and are unrelated to the incident, or* for other negligent conduct, or for reckless, wanton or willful acts of misconduct.

2 Effective Date. This act shall take effect January 1, 1998.

#### AMENDED ANALYSIS

This bill clarifies the applicability of the fireman's rule.

Adopted.

Rep. Keans yielded to questions.

Report adopted and ordered to third reading.

**HB 439-FN**, establishing a procedure for reporting on abortions. **INEXPEDIENT TO LEGISLATE**  
Rep. Marjorie K. Smith for Judiciary and Family Law: The Center for Disease Control has regularly collected information on abortions which is published in CDC Surveillance Summaries, Morbidity and Mortality Weekly Report, and includes by state, number, ratio, rate, age, race, weeks of gestation, type and procedure, ethnic background, marital status, previous number of pregnancies and abortions, and fatalities. The report includes additional detailed information on teenagers. In addition, the New Hampshire Department of Health and Human Services has authority under RSA 126:25 II to collect such information and intends to do so. There is no need for this bill. Vote 12-0.

Adopted.

**HB 549**, relative to service-connected military or coast guard disability compensation in the determination of alimony or separate maintenance. **INEXPEDIENT TO LEGISLATE**

Rep. Deborah L. Woods for Judiciary and Family Law: Federal law adequately provides the prohibition of service-connected disability payments from being garnished for an alimony award. This bill would create havoc in the courts with the onslaught of divorce cases which might possibly be re-opened by a simple request from someone who believes they fall under this law. There is also the question of how appropriate it is to single out one specific federal anti-garnishment provision and how many others would be brought forward. Vote 12-0.

Rep. Varrell spoke against.

Adopted.

**HB 550**, relative to certain social security disability compensation in the determination of alimony or separate maintenance. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Judiciary and Family Law: Since 1975, the Social Security Act has authorized the use of payments for alimony and support. New Hampshire would be in conflict with federal law if we passed this. There is currently nothing that prevents spouses from returning to court in order to get a modification of support payments when circumstances change. Vote 12-0.

Rep. Varrell spoke against.

Adopted.

**HB 568-FN**, relative to the oath of office for attorneys and the penalty for failure to fulfill the oath. **INEXPEDIENT TO LEGISLATE**

Rep. David C. Allison for Judiciary and Family Law: The committee finds that the oath of office, as the amended version would read, will add only confusion, rather than clarity, to the true purpose of the oath. Vote 12-1.

Rep. Hemon spoke against.

Rep. Moynihan spoke in favor.

Adopted.

#### PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Cobbin requested that his protest be entered on the Journal.

I never took an oath to the Judiciary. I took an oath to uphold the Constitution of the State of New Hampshire and the Constitution of the United States of America.

**SPECIAL ORDERS (CONT'D.)**

**HB 635**, relative to a limitation on liability for emergency medical care providers. RE-REFER TO COMMITTEE

Rep. David A. Bickford for Judiciary and Family Law: This bill requires further study, along with another limited liability bill which was heard by the Judiciary Committee and also recommended for HB 793. Vote 16-0.

Adopted.

**HR 13**, recognizing Bob Dole's many years of public service and dedication to our country. IN-EXPEDIENT TO LEGISLATE

Rep. Peter F. Bergin for State-Federal Relations and Veterans Affairs: The committee recognized that Bob Dole had many years of public service and dedication to our country, however, it was felt that Bob Dole has been recognized recently with the Medal of Freedom from President Clinton. In addition, the only person to be recognized since 1985 in a house resolution was Senator Paul Tsongas who was memorialized on January 19, 1997. Vote 14-1

Rep. Buckley spoke against and yielded to questions.

Rep. Cobbin spoke against.

Rep. Bergin spoke in favor.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 191 NAYS 131**

**YEAS 191**

**BELKNAP**

|               |              |                  |               |
|---------------|--------------|------------------|---------------|
| Boyce, Robert | Golden, Paul | Holbrook, Robert | Hurt, George  |
| Lawton, David | Thomas, John | Turner, Robert   | Ziegra, Alice |

**CARROLL**

|                    |                 |                    |                 |
|--------------------|-----------------|--------------------|-----------------|
| Babson, David, Jr. | Cooper, Kipp    | Foster, Robert     | Howard, Godfrey |
| Kenney, Joseph     | Lyman, L. Randy | MacDonald, Kenneth | Patten, Betsey  |
| Philbrick, Donald  |                 |                    |                 |

**CHESHIRE**

|                   |                    |                   |                    |
|-------------------|--------------------|-------------------|--------------------|
| DePecol, Benjamin | Hunt, John         | Lynott, Margaret  | Metzger, Katherine |
| Pratt, John       | Robertson, Timothy | Royce, H. Charles | Russell, Ronald    |
| Smith, Edwin      | Steere, Myron, III | Vogl, John        |                    |

**COOS**

|                 |                  |                |              |
|-----------------|------------------|----------------|--------------|
| Bradley, Paula  | Coulombe, Yvonne | Guay, Lawrence | Horton, Lynn |
| Merrill, Gerald |                  |                |              |

**GRAFTON**

|                |                  |                    |                 |
|----------------|------------------|--------------------|-----------------|
| Alger, John    | Eaton, Stephanie | Guaraldi, Lawrence | LaMott, Paul    |
| MacNeil, Allen | Root, John       | Teschner, Douglass | Trelfa, Richard |

**HILLSBOROUGH**

|                        |                         |                     |                  |
|------------------------|-------------------------|---------------------|------------------|
| Alukonis, David        | Amidon, Eleanor         | Barry, William, III | Batula, Peter    |
| Belvin, William        | Bergin, Peter           | Briefs, Geoffrey    | Brundige, Robert |
| Burke, M. Virginia     | Calawa, Leon, Jr.       | Cardin, Lori        | Chabot, Robert   |
| Christiansen, Lars     | Clay, Susan             | Daniels, Gary       | Dawe, Eileen     |
| Dokmo, Cynthia         | Drabinowicz, A. Theresa | Durham, Susan       | Dyer, Merton     |
| Emerton, Lawrence, Sr. | Fenton, James           | Ferguson, Charles   | Fields, Dennis   |
| Gagnon, Eugene         | Ginsburg, Ruth          | Golding, William    | Herman, Keith    |
| Holden, Carol          | Holley, Sylvia          | Hunter, Bruce       | Jean, Claudette  |
| Johnson, Lionel        | Kurk, Neal              | L'Heureux, Robert   | LaRose, Richard  |
| Leishman, Peter        | Leonard, Peter          | Lessard, Rudy       | Letendre, Evelyn |

Lozeau, Donnalee  
MacIntyre, Doris  
Mercer, Robert  
Perkins, Paul  
Sargent, Maxwell  
Wheeler, Robert

Luebker, Bernard  
Martin, Mary  
Mittelman, David  
Peterson, Andrew  
Thulander, O. Alan

MacAuslan, Rita  
McCarthy, William  
Murch, George  
Reidy, Frank  
Turgeon, Roland

MacGillivray, Jeffrey  
McCarty, Winston  
O'Hearn, Jane  
Riley, Frances  
Welch, Donald

### MERRIMACK

Adams, Stephen  
Colburn, Thomas  
Feuerstein, Martin  
Larrabee, David  
Pfaff, Terence  
Whalley, Michael

Anderson, Eric  
Crosby, Toni  
Gile, Mary  
Maxfield, Roy  
Reardon, Tara

Burney, Carol  
Crowell, Peter  
Krueger, Patricia  
Morrill, Olive  
Seldin, Gloria

Colburn, Kathleen  
Dunn, Miriam  
Lamach, Bernard  
Nichols, Avis  
St. Cyr, Gerard

### ROCKINGHAM

Beaulieu, Jon  
Carson, Gregory  
Dodge, Robert  
Flanders, John, Sr.  
Guthrie, Joseph  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McGovern, Cynthia  
Morris, Debbie  
Packard, Sherman  
Stone, Joseph  
Welch, David

Belanger, Ronald  
Case, Margaret  
Dolan, Richard  
Francoeur, Sheila  
Heath, John  
Langley, Jane  
Major, Norman  
McKinney, Betsy  
Nowe, Ronald  
Raynowska, Bernard  
Tufts, J. Arthur  
Weyler, Kenneth

Blanchard, MaryAnn  
Christie, Andrew, Jr.  
Dowd, Sandra  
Gibbons, Paul  
Henderson, Warren  
Langone, John  
Malcolm, Kenneth  
Micklon, Stephanie  
Noyes, Richard  
Simmons, John Anthony  
Varrell, Thomas

Camm, Kevin  
Dearborn, Bruce  
Dunham, Vivian  
Griffin, Mary  
Kelley, Jane  
Letourneau, Robert  
McCarthy, John, Jr.  
Mikowski, Walter  
O'Keefe, Patricia  
Stickney, Nancy  
Weatherspoon, Jackie

### STRAFFORD

Brennan, William  
Kaen, Naida  
Pelletier, Arthur  
Sullivan, Henry

DeChane, Marlene  
Lundborn, Raymond  
Pelletier, Marsha  
Torr, Franklin

Estabrook, Iris  
McKinley, Robert  
Snyder, Clair  
Tsiros, William

Hemon, Roland  
Merritt, Deborah  
Spear, Barbara  
Wall, Janet

### SULLIVAN

Adler, Rudolf  
Palmer, Lorraine

Ferland, Brenda  
Schotanus, Merle

Leone, Richard

Lindblade, Eric

### NAYS 131

### BELKNAP

Bartlett, Gordon  
Lawton, Robert

Boriso, Thomas  
Pilliod, James

Clark, Charles  
Rice, Thomas, Jr.

Laflam, Robert  
Rosen, Ralph

### CARROLL

Bradley, Jeb

Dickinson, Howard, Jr.

### CHESHIRE

Avery, Stephen  
Meader, David

Burnham, Daniel  
Richardson, Barbara

Doucette, Richard  
Riley, William

McGuirk, Paul

### COOS

Coulombe, Henry  
Pratt, Leighton

Davis, Perley  
St. Hilaire, Paul

Mears, Edgar  
Tholl, John, Jr.

Moynihan, Wayne

**GRAFTON**

|                        |                |                  |                |
|------------------------|----------------|------------------|----------------|
| Almy, Susan            | Below, Clifton | Chase, Paul, Jr. | Cobbin, Philip |
| Copenhaver, Marion     | Ham, Bonnie    | Hill, Richard    | Hinman, Harry  |
| Lovett, Sidney         | Mirski, Paul   | Phinney, William | Weber, Phil    |
| Williams, William, Jr. |                |                  |                |

**HILLSBOROUGH**

|                       |                      |                            |                    |
|-----------------------|----------------------|----------------------------|--------------------|
| Ackerman, Philip      | Asselin, Robert      | Baroody, Benjamin          | Bernier, Shannon   |
| Boutin, David         | Buckley, Raymond     | Carlson, Donald            | Clegg, Robert, Jr. |
| Cote, Peter           | D'Allesandro, Lou    | Daigle, Robert             | Dwyer, Paul, Sr.   |
| Flora, Kathleen       | Foster, Joseph       | Foster, Linda              | Gage, Ruth         |
| Gosselin, Gerald      | Goulet, Maurice      | Haettenschwiller, Alphonse | Haley, Robert      |
| Hall, Betty           | Hansen, Herbert      | Hart, Nick                 | Jean, Loren        |
| Lefebvre, Roland      | McDonald, James, Sr. | McGough, Tim               | Melcher, Harold    |
| Messier, Irene        | Milligan, Robert     | Murphy, Robert             | Pepino, Leo        |
| Searles, Stanley, Sr. | Vaillancourt, Steve  | White, Donald              | Williams, Carol    |

**MERRIMACK**

|                  |                    |                    |                   |
|------------------|--------------------|--------------------|-------------------|
| Chandler, Earle  | Daneault, Gabriel  | DeStefano, Stephen | French, Barbara   |
| Hager, Elizabeth | Hoadley, Elizabeth | Jacobson, Alf      | Langer, Ray       |
| Lavoie, Gerard   | Leber, William     | Marshall, Kenneth  | Moore, Carol      |
| Owen, Derek      | Wallin, Jean       | Wallner, Mary Jane | Whittemore, James |
| Yeaton, Charles  |                    |                    |                   |

**ROCKINGHAM**

|                          |                     |                      |                 |
|--------------------------|---------------------|----------------------|-----------------|
| Battles-Peirce, Marjorie | Bishop, Franklin    | Clark, Martha        | Cooney, Richard |
| Cushing, Robert          | Downing, Michael    | Dube, LeRoy          | Fesh, Robert    |
| Flanders, David          | Frechette, Joseph   | Gleason, John        | Johnson, Robert |
| Kane, Cecelia            | Katsakiores, George | Katsakiores, Phyllis | Kobel, Rudolph  |
| Norelli, Terie           | Pantelakos, Laura   | Reardon, Neil        | Sabella, Norma  |
| Schanda, Frank           | Smith, Kevin        | Stritch, C. Donald   | Vaughn, Charles |

**STRAFFORD**

|                  |                      |                 |                 |
|------------------|----------------------|-----------------|-----------------|
| Brown, Julie     | Dunlap, Patricia     | Hilliard, Dana  | Keans, Sandra   |
| Knowles, William | McCann, William, Jr. | Merrill, Amanda | Rollo, Michael  |
| Smith, Marjorie  | Taylor, Kathleen     | Torr, Ann       | Twardus, Joseph |
| Vachon, Dennis   |                      |                 |                 |

**SULLIVAN**

|                |                |                 |                  |
|----------------|----------------|-----------------|------------------|
| Burling, Peter | Cloutier, John | Donovan, Thomas | Krueger, Richard |
|----------------|----------------|-----------------|------------------|

and the report was adopted.

**HCR 11**, relative to the preservation and revitalization of New Hampshire's rail-based corridors of commerce. **OUGHT TO PASS**

Rep. George N. Katsakiores for Transportation: This resolution urges the rail based "corridors of commerce" be revitalized and preserved in order to put railways on an even competitive playing field with other modes of transportation. Vote 12-0.

Rep. George Katsakiores spoke against.

The report failed.

Rep. George Katsakiores moved Ought to Pass with Amendment.

Rep. Below offered a floor amendment.

**Floor Amendment (0758h)**

Amend the resolution by replacing all after the resolving clause with the following:

That the state's economically viable rail-based "Corridors of Commerce" and their associated Industrial and Commercial Opportunities be revitalized; and

That stimulation of private investment by state acquisition of complete unencumbered operable interchange-to-interchange rail corridors capable of economic development occur; and

That our remaining public and private rail infrastructure, to the full provisions and intent of RSA 228:60-a, be preserved; and

That mutually beneficial track and corridor-sharing agreements between owners and operators which maximize the utilization of New Hampshire's rail corridors be urged; and

That transportation policies which will eventually put railways on an even competitive playing field with airways, highways, and waterways be introduced; and

That the house clerk send copies of this resolution to the governor, the speaker of the house, the senate president, the commissioner of the department of transportation, and the state library.

Rep. Below spoke in favor.

Adopted.

Report adopted and ordered to third reading.

### RESOLUTION

Rep. Wheeler the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 26, 1997 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 365**, providing that communications made during family mediation shall be privileged.

**HB 421**, amending the law against discrimination to prohibit discrimination on account of a person's sexual orientation.

**HB 495**, prohibiting registered lobbyists from serving on the legislative ethics committee.

**HB 622-FN**, relative to legislative approval of settlements of court claims against the state.

**HB 653-L**, relative to address numbers on streets and highways and relative to penalties for violations of certain planning and zoning laws.

**HB 294-L**, relative to the placement of off-premises business directional signs in municipalities which prohibit such advertising devices.

**HB 544**, relative to dwellings which extend over public waters.

**HB 628**, relative to an agreement or contract for the Mount Sunapee or Cannon Mountain ski area operations, or both, establishing a committee to develop a proposal and review responses, and requiring review of any agreement or contract by the capital budget overview committee.

**HB 693**, establishing a house committee to examine water quality issues.

**HB 528-L**, relative to municipal water, gas and electric utilities.

**HB 716-FN**, relative to economic development and retention rates and special contracts.

**HB 726-FN**, relative to the jurisdiction and authority of the public utilities commission, the underground utility damage prevention system and the 911 system.

**HJR 2**, urging the members of Congress to support and pass the Family Forestland Preservation Tax Act.

**HB 203**, relative to driving after a revocation or suspension of license.

**HB 273-FN**, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age.

**HB 329**, clarifying the applicability of the fireman's rule.

**HCR 11**, relative to the preservation and revitalization of New Hampshire's rail-based corridors of commerce.

### UNANIMOUS CONSENT

Rep. Sabella addressed the House.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:10 p.m.

### RECESS

(Rep. Ann Torr in the Chair)

## RESOLUTION

Rep. Dickinson offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 1, 20, 25, 38, 40, 56, 74, 79, 81, 84, 85, 96, 101, 105, 106, 109, 112, 119, 124, 125, 131, 143, 151, 179, 189, 190 and 198 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

## INTRODUCTION OF SENATE BILLS

### First, second reading and referral

- SB 1**, relative to exclusive arrangements with managed care insurers. (Commerce)
- SB 20**, establishing a committee to study presumptive sentencing. (Corrections and Criminal Justice)
- SB 25**, establishing employer immunity from civil liability for good faith disclosure of information regarding current and former employees to prospective employers. (Judiciary and Family Law)
- SB 38**, relative to certain activities under the workers' compensation law. (Labor, Industrial and Rehabilitative Services)
- SB 40**, relative to the payment of wages by employers. (Labor, Industrial and Rehabilitative Services)
- SB 56**, establishing a method for repurchase of tax-deeded property by the former owner of the property and limiting the recovery by municipalities of proceeds from sales of tax-deeded property. (Municipal and County Government)
- SB 74-FN**, allowing holders of retail wine and combination wine and beverage licenses to sell fortified wines. (Local and Regulated Revenues)
- SB 79**, prohibiting the sale of gift certificates containing an expiration date, relative to unclaimed and abandoned property, and relative to liens on personal property. (Commerce)
- SB 81**, relative to the administration of estates. (Judiciary and Family Law)
- SB 84**, revising the uniform simultaneous death act. (Judiciary and Family Law)
- SB 85**, making technical changes in laws relative to the probate courts. (Judiciary and Family Law)
- SB 96**, relative to the priority of charges in probate of estates. (Judiciary and Family Law)
- SB 101**, requiring certain hospitals to file certain forms with the director of charitable trusts. (Commerce)
- SB 105**, relative to rent collection upon delinquency in payment of common expenses by condominium unit owners. (Commerce)
- SB 106-FN**, establishing a committee to study the regulation of gas burner technicians and oil burner technicians. (Executive Departments and Administration)
- SB 109**, relative to the official ballot voting option. (Municipal and County Government)
- SB 112**, establishing a commission on environmental programs. (State-Federal Relations and Veterans Affairs)
- SB 119**, prohibiting a person convicted of any sexual offense, felony, or DWI offense from obtaining a waiver to remove the person's driver's license image from department of safety records. (Transportation)
- SB 124**, relative to the imposition of fines by the state board of licensure for land surveyors. (Executive Departments and Administration)
- SB 125**, relative to the right of entry upon lands for surveying. (Judiciary and Family Law)
- SB 131-FN**, allowing certain state employees to take paid leave to participate in disaster relief service work. (Executive Departments and Administration)
- SB 143**, authorizing a municipality to change the date for filing for an elderly exemption. (Local and Regulated Revenues)
- SB 151**, relative to final orders on appeals of decisions of zoning boards of adjustment. (Municipal and County Government)
- SB 179-FN-L**, establishing a committee to study creating a New Hampshire local government records management improvement fund. (Municipal and County Government)
- SB 189-FN-L**, authorizing the department of safety to issue resident driver's licenses to certain aliens. (Transportation)
- SB 190**, exempting insurance companies newly located in New Hampshire from having to make payments to the administration fund during their first 3 years in the state and relative to investments by insurance companies in mutual funds. (Commerce)

**SB 198-FN-L**, relative to the standard for granting of variances by zoning boards of adjustment from dimensional requirements. (Municipal and County Government)

RECESS

(Rep. Gleason in the Chair)

RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 810 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

**HB 810-FN-A**, appropriating certain funds from the highway surplus account to the department of transportation. (G. Chandler, Carr 1, Schotanus, Sull 3; LaMott, Graf 5; Pfaff, Merr 11; K. Rogers, Merr 22; Pignatelli, Dist 13; Gordon, Dist 2: Finance)

RECESS

(Rep. Teschner in the Chair)

RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Alukonis offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 53 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

**HB 53-FN-A**, relative to the meals and rooms tax and tourism promotion and making appropriations therefor. (Burling, Sull 1; Avery, Ches 8: Finance)

RECESS

(Rep. Henderson in the Chair)

RESOLUTION

Rep. Mirski offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 187 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

**SB 187**, relative to the penalties for certain court defaults. (Transportation)

RECESS

(Speaker Sytek in the Chair)

Rep. Channing Brown moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 14

Wednesday, March 26, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of hope and energy, we ask You to thaw out those places in our lives where our frozen attitudes or opinions no longer permit fresh ideas and insights. Inspire us with the surge of new life, and grant us the flexibility we need to be gracious communicators with each other. We pray that You will make us ever mindful, O God, of those whom we serve, lest we become deaf to their voices, unsympathetic to their fears, and unchallenged by their hopes. All of those prayers we ask in the confidence that You are willing to do far more than we are able to ask. Amen.

Rep. Lockwood led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Feng, Beverly Gage, Guay, Lessard, Mock, Morello and O'Connell, the day, illness.

Reps. Aranda, Eaton, Ferguson, Hurt, Laflam, MacIntyre, Manning, Robertson, Edwin Smith and Veazey, the day, important business.

Rep. Hinman, the day, illness in the family.

### INTRODUCTION OF GUESTS

Sam Fuld, son of Amanda Merrill. Lillian Kennedy, Sandra Johnson and Maurice Dupuis, guests and husband of Rep. Fraser. Mary Rauh, Alan Soucy, Rodney Chandler and Frank Hammond, guests of Reps. Leone, Schotanus, Jacobson, Crowell and Wiggins. Former N.H. Representative Dick Ahern, guest of the Public Works and Highways Committee. Whitey Mitchell, guest of Rep. Teschner. Andrew Griffin, husband of Rep. Griffin. Angela Crosby, daughter of Rep. Crosby. Julia Hutchinson, daughter of Rep. Hutchinson. Cheryl Goscinski Drew and Jennifer Curran, guests of Reps. DeChane and Musler. Ruth Owen, Katie Krokowski and Christian Hohaus, wife and guests of Rep. Owen. Patricia Gibbons, wife of Rep. Gibbons. Susan Rowe-Morrison, Melanie Breton, Amy Currier, Jessica Sneider and Donna Williams, guests of Rep. Gile. Keith Comparetto, Craig Anderson, Tom Dooley, Jay Hahn, Karen Hall, Naomi Hall, Noble Johnson, Joe Johnson, Jeannie Kuhs, Lucas Lampman, Eric Roa, Rob Sims, Janelle Stokes, Mark Stonis, Stephanie Tessier, Nate Beaman, Josh Delise and Salem Southard, guests of Rep. Larrabee. Amanda Perez and Valerie Desilets, fiancée and guest of Rep. Kevin Clemons.

### SPECIAL GUESTS

The Varsity Cheerleading Team from Moultonboro Academy, guests of the House.

### SENATE MESSAGE

### CONCURRENCE

**HB 120**, amending certain license fees and making various technical changes to the fish and game laws.

**HB 172**, extending the reporting date for the committee studying the issue of the use and disposal of sludge or septage.

**HB 267**, prohibiting petroleum-powered motors on Little Dan Hole Pond in the town of Ossipee.

**HB 307**, relative to the adoption of local river corridor management plans by planning boards.

**HB 403**, prohibiting the use of trotlines to take fish.

**HB 681**, relative to penalties for certain violations of fish and game laws and granting rulemaking authority to the executive director relative to registration agent fees for wild turkey permits.

### COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 195-FN-A** increasing the exemption amount under the interest and dividends tax, removed by Rep. Kurk.  
Consent Calendar adopted.

**HB 667**, relative to confidentiality issues concerning the exchange of information between the departments of revenue administration and employment security and relative to payment of employer contributions. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Herbert R. Hansen for Criminal Justice and Public Safety: This bill originally passed the house on March 12, 1997 session. It was then referred to this committee to review and approve the penalties associated with it. The penalties were approved and certain editing corrections were made. Vote 16-1.

#### **Amendment (0801h)**

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Cross Reference Change. Amend RSA 282-A:166-a to read as follows:

282-A:166-a Penalties for Failure or Refusal to Make Contributions or Reports. In the discretion of the commissioner or an authorized representative, violations of RSA 282-A:166, ~~HH and IV~~ *I(c) and (d)* may subject the person to a penalty of not less than \$100 or more than the amount of the contributions then or subsequently determined by the commissioner to be due. For violations of all other paragraphs of RSA 282-A:166, a penalty of not less than \$100 nor more than \$500 may be imposed. All penalties imposed under this section shall be in addition to late filing fees and interest charges due under other sections of this chapter. Any proceeding or action taken against a person under this section shall be in lieu of and not in addition to any proceeding or action taken under RSA 282-A:166. Persons found subject to this section may appeal in the manner set forth in RSA 282-A:95-98.

**HB 537-FN**, relative to the practice of allied health professionals. **OUGHT TO PASS**  
Rep. Maurice E. Goulet for Executive Departments and Administration: The committee reviewed the organizational structure in this bill and concur with the committee on Health, Human Services and Elderly Affairs. This is the first step in the long road of the consolidation and strengthening of the administration of the health care boards. Vote 13-0.

**HB 806-FN-L**, relative to the business finance authority. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Merton S. Dyer for Executive Departments and Administration: This bill establishes the Business Finance Authority as an independent entity instead of an agency of the state. The amendment proposed by the committee provides a mechanism to transfer the accrued benefits of the employees from the New Hampshire Retirement System to a qualified retirement plan. Under this amendment, the transfer will be tax free and will be no less than the accumulated benefit obligation. This transfer must take place within 180 days of the effective date of the bill. Vote 12-0.

#### **Amendment (0788h)**

Amend RSA 162-A:31 as inserted by section 12 of the bill by replacing it with the following:  
162-A:31 Status of Authority Employees; Entitlement to Certain State Benefits.

I. The authority may hire, fix, and pay compensation, prescribe duties and qualifications, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Any individual employed by the authority shall be deemed an employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding the provisions of paragraph I, any individual employed by the authority whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, and life insurance benefits as are afforded to classified employees of the state, provided, however, that the election is made in writing within 30 days of the start of employment. Upon election by such individual, the authority shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, and life insurance benefits which an individual elects to receive pursuant to this section shall be withheld from such individual's salary as a payroll

deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the authority. The authority may establish a qualified retirement plan and a deferred compensation plan for those individuals covered under this paragraph.

Amend the bill by inserting after section 16 the following and renumbering the original sections 17 and 18 to read as 18 and 19, respectively:

17 Transfer of Retirement. The employees of the business finance authority and all such employees' contributions, plus accumulated interest, to the New Hampshire retirement system shall be transferred within 180 days of the effective date of this act to a qualified retirement plan. All benefits accrued to the time of withdrawal from the system shall be fully vested in such withdrawing employees and shall be no less than the accumulated benefit obligation. The system shall cooperate with the authority in its establishing a successor retirement plan and shall cooperate in arranging for the transfer of such employee retirement benefits earned under the system to a successor retirement plan where practicable.

**HB 144-FN**, relative to cash incentives paid to servants and agents, excluding commission employees, authorized to sell tickets. **OUGHT TO PASS**

Rep. Stephen T. DeStefano for Finance: This bill authorizes the New Hampshire Sweepstakes Commission to pay cash incentives not to exceed one percent of the prize awarded or a maximum of \$30,000 for powerball or \$15,000 for other prizes. Tri-state lotto already has these incentives. Vote 19-0.

**HB 186-FN**, relative to fees for number plates and reducing the amount of inventory fund in the department of safety. **OUGHT TO PASS**

Rep. Robert G. Holbrook for Finance: This bill raises the fee per license plate from \$1.50 to \$2.50. The cost per plate is now over \$2.415 and the price of aluminum is higher than last set in 1985. With the time nearing for the issuance of new plates, this bill provides funds for the 1,000,000 plus sets of license plates. The inventory fund is limited to a cap of \$1,000,000 which is the Department of Safety revolving fund for license plate manufacture. Vote 18-1.

**HB 229-FN-A-L**, establishing a reading recovery training program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Finance: This legislation recognizes in statute a successful first grade reading recovery program funded annually since 1989. The amendment modifies the original bill clearly defining that the program is optional for local schools with funding by the Department of Education limited to monies appropriated. \$300,000 was removed from the bill because additional funding is included in the governor's budget. Vote 19-1.

#### **Amendment (0770h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a reading recovery training program.

Amend the bill by replacing all after section 1 with the following:

2 New Subdivision; Reading Recovery Training Program. Amend RSA 186 by inserting after section 69 the following new subdivision:

Reading Recovery Training Program

186:70 Reading Recovery Training Program.

I. There is established a reading recovery training program to provide reading recovery training to all eligible first-grade teachers so that reading recovery programs may be made available to all eligible first-grade pupils in those local school districts that choose to implement reading recovery programs.

II. The department of education shall administer the reading recovery training program in accordance with the program requirements outlined in the guidelines and Standards for the North American Reading Recover Council.

III. Each biennium, the department shall, subject to the extent of funds appropriated, provide for the training needs of the participating local districts and shall also provide continuing education to teachers who have completed the initial training.

IV. Local districts shall be responsible for all salaries, benefits, and materials for local reading recovery teachers during program training and implementation.

V. Unless excused by the department of education, a teacher who completes reading recovery training shall agree to provide reading recovery programs to New Hampshire pupils for at least 2 years following such training.

3 Effective Date. This act shall take effect July 1, 1997.

#### AMENDED ANALYSIS

This bill establishes a reading recovery training program in the department of education to provide training to all eligible first-grade teachers.

**HB 275-A-L**, establishing the equipment grant program, and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: The proposal calls for a general fund appropriation of \$16 million. It is a new program and a new bonded appropriation which we simply cannot afford at this time. Local school districts may currently access funds for these purposes via building aid and federal grants. Vote 20-0.

**HB 436-FN-L**, establishing restrictions in building aid for conversions of area schools to cooperative school districts, and relative to increasing or decreasing grades in cooperative school districts. OUGHT TO PASS

Rep. Charles L. Vaughn for Finance: This bill removes the ability of an area school to change to a cooperative school and in so doing receive building aid payments that duplicate payments received as an area school. It prevents double payments by the Department of Education, which requested this bill. Further, cooperative districts may increase or decrease grades offered by amending arrangement or articles of agreement. Vote 20-0.

**HB 501**, including blindness in the special education provisions, and allowing attorneys to act as neutrals in special education dispute resolution. OUGHT TO PASS

Rep. Marie C. Hawkinson for Finance: This bill amends RSA 186-C:2 to conform to the federal definition of "educationally disabled child." It also repeals the prohibition of attorneys from being appointed as neutrals. It allows for attorneys, among others, to serve in disputed Individual Educational Plans. It was determined that this has the potential for savings of legal expenses, especially in the area of disputed Individual Education Plans. Vote 19-0.

**HB 533-FN**, making technical corrections in the liquor laws. OUGHT TO PASS

Rep. Robert A. Johnson for Finance: Currently fortified wine sales are restricted to liquor stores. By extending sales to off-premise licensees the Liquor Commission projects that revenues would be increased by \$181,000 in FY 1998, \$190,000 in FY 1999, \$200,000 in FY 2000 and \$210,000 in FY 2001. Vote 20-0.

**HB 664-FN-L**, increasing the witness fee for law enforcement officers and the mileage allowance for witnesses. INEXPEDIENT TO LEGISLATE

Rep. Arthur P. Klemm, Jr. for Finance: This bill would have increased the per diem law enforcement officers should be paid from \$30 to \$45 for their attendance before a municipal, district, superior or probate court and their mileage reimbursement from 17 cents to 31 cents per mile. This would have increased state expenditures by \$352,000 in 1998 and with our current budget situation the bill was found Inexpedient to Legislate. Vote 17-3.

**HB 674-FN-L**, relative to dam registration and filing fees. OUGHT TO PASS

Rep. Franklin G. Torr for Finance: The bill increases fees to fund the dam safety program. Vote 18-2.

**HB 700-FN-L**, relative to the renovation of regional vocational education centers and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. David J. Alukonis for Finance: The Committee has proposed an amendment which maintains the policy promulgated by the Education Committee, but removes the funding of \$24 million which the state cannot afford at this time. By adopting this amendment, the process of funding the renovation of regional vocational education centers will mirror the process which has been utilized in the construction of the centers over the past 25 years. Vote 20-0.

**Amendment (0774h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the renovation of regional vocational education centers and expanding an existing appropriation to include such renovations.

Amend the bill by replacing section 2 with the following:

2 Renovation Added. Amend RSA 188-E:10 to read as follows:

188-E:10 [~~Construction~~] **Appropriation for Construction and Renovation.** The treasurer of the state of New Hampshire is hereby authorized to make available to the department of education for purposes of constructing **and renovating** regional vocational education centers an amount not to exceed \$85,000,000. This appropriation shall be nonlapsing. Authorization for expenditures of such funds shall be made by the department of education to the treasurer in accordance with this chapter. The treasurer is authorized to issue bonds in accordance with the provisions of RSA 6-A for the purpose of funding this appropriation.

**AMENDED ANALYSIS**

This bill authorizes grants for the renovation of regional vocational centers, as well as for the construction of such centers.

The bill also expands an existing appropriation to include such renovations.

**HJR 1**, urging the preservation and continued development of community services to people with developmental disabilities and their families. **OUGHT TO PASS**

Rep. O. Alan Thulander for Finance: The committee determined that this house joint resolution would have no financial impact. Vote 20-0.

**REGULAR CALENDAR**

**HB 50-FN-A-L**, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Suzan L. R. Franks for the Majority of Education: The majority of the Education Committee recognizes that the availability of public kindergarten statewide for New Hampshire's five year olds is valuable and a necessary tool for building a strong foundation for our students. This bill respects local control and encourages public kindergarten implementation with kindergarten classroom construction bonding over the next five years of \$30 million, as well as increased maintenance aid support from \$500 per pupil to \$1,000 per pupil to all districts implementing or operating public kindergartens in New Hampshire. It will provide much needed property tax relief for our cities and towns. Vote 16-4.

Rep. Michael F. Marcinkowski for the Minority of Education: Although we all may recognize the merits of kindergarten, there is concern that good policy is not truly enacted without recognizing the resources available to achieve that policy. In addition, there is existing the formula for Foundation Aid which the minority feels is the appropriate method for funding of state aid to school districts.

Reps. McKinley, Root, Alger and MacGillivray spoke against and yielded to questions.

Reps. Durham, Jacobson and Champagne spoke in favor and yielded to questions.

Reps. Murch and Luebker spoke against.

Reps. Estabrook, Franks and Donald White spoke in favor.

Reps. Ann Torr and Burling requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 265 NAYS 108**

**YEAS 265**

**BELKNAP**

Boriso, Thomas  
Salatiello, Thomás

Lawton, Robert  
Thomas, John

Pilliod, James  
Ziegra, Alice

Rosen, Ralph

**CARROLL**

Bradley, Jeb  
Lyman, L. Randy

Cooper, Kipp  
MacDonald, Kenneth

Dickinson, Howard, Jr.  
Philbrick, Donald

Kenney, Joseph

**CHESHIRE**

|                   |                   |                     |                    |
|-------------------|-------------------|---------------------|--------------------|
| Avery, Stephen    | Bonneau, Sarah    | Burnham, Daniel     | Champagne, Richard |
| DePecol, Benjamin | Doucette, Richard | Lynch, Margaret     | Lynott, Margaret   |
| McGuirk, Paul     | McNamara, Wanda   | Meador, David       | Metzger, Katherine |
| Pratt, Irene      | Pratt, John       | Richardson, Barbara | Riley, William     |
| Royce, H. Charles | Russell, Ronald   | Steere, Myron, III  | Vogl, John         |

**COOS**

|                  |                 |                  |                 |
|------------------|-----------------|------------------|-----------------|
| Bradley, Paula   | Coulombe, Henry | Coulombe, Yvonne | Davis, Perley   |
| Hawkinson, Marie | Horton, Lynn    | Mears, Edgar     | Moynihan, Wayne |
| Pratt, Leighton  |                 |                  |                 |

**GRAFTON**

|                  |                    |                    |                  |
|------------------|--------------------|--------------------|------------------|
| Akins, Ralph     | Almy, Susan        | Below, Clifton     | Brown, Channing  |
| Connolly, Steven | Copenhaver, Marion | Guaraldi, Lawrence | Guest, Robert    |
| Ham, Bonnie      | Hill, Richard      | LaMott, Paul       | Lovett, Sidney   |
| Luker, Elsa      | MacNeil, Allen     | Nordgren, Sharon   | Phinney, William |

**HILLSBOROUGH**

|                       |                     |                            |                         |
|-----------------------|---------------------|----------------------------|-------------------------|
| Ackerman, Philip      | Allen, W. Gordon    | Alukonis, David            | Ameen, W.               |
| Amidon, Eleanor       | Arnold, Thomas, Jr. | Asselin, Robert            | Baroody, Benjamin       |
| Barry, William, III   | Belvin, William     | Bergin, Peter              | Bernier, Shannon        |
| Boutin, David         | Briefs, Geoffrey    | Buckley, Raymond           | Cardin, Lori            |
| Carlson, Donald       | Christiansen, Lars  | Clay, Susan                | Clemons, Jane           |
| Clemons, Kevin, Sr.   | Cote, David         | Cote, Peter                | D'Allesandro, Lou       |
| Daigle, Robert        | Dawe, Eileen        | Dokmo, Cynthia             | Drabinowicz, A. Theresa |
| Durham, Susan         | Dwyer, Paul, Sr.    | Emerton, Lawrence, Sr.     | Fields, Dennis          |
| Foster, Joseph        | Foster, Linda       | Franks, Suzan              | Gage, Ruth              |
| Ginsburg, Ruth        | Gosselin, Gerald    | Haettenschwiller, Alphonse | Haley, Robert           |
| Hall, Betty           | Hansen, Herbert     | Hart, Nick                 | Holden, Carol           |
| Holley, Sylvia        | Jean, Claudette     | Johnson, Lionel            | Kelley, Robert          |
| Kurk, Neal            | LaRose, Richard     | Lefebvre, Roland           | Leishman, Peter         |
| Leonard, Peter        | Lozeau, DonnaLee    | Lynde, Harold              | MacAuslan, Rita         |
| Martin, Mary          | McCarthy, William   | McDonald, James, Sr.       | Melcher, Harold         |
| Mercer, Robert        | Messier, Irene      | Murphy, Robert             | O'Hearn, Jane           |
| O'Rourke, Thomas      | Perkins, Paul       | Peterson, Andrew           | Reidy, Frank            |
| Searles, Stanley, Sr. | Taylor, Paul        | Thulander, O. Alan         | Turgeon, Roland         |
| Vaillancourt, Steve   | Welch, Donald       | Wheeler, Robert            | White, Donald           |
| White, Jay            | Williams, Carol     |                            |                         |

**MERRIMACK**

|                    |                   |                    |                    |
|--------------------|-------------------|--------------------|--------------------|
| Anderson, Eric     | Burney, Carol     | Chandler, Earle    | Crosby, Toni       |
| Crowell, Peter     | Daneault, Gabriel | DeStefano, Stephen | Dunn, Miriam       |
| Feuerstein, Martin | Fraser, Marilyn   | French, Barbara    | Gile, Mary         |
| Hager, Elizabeth   | Hess, David       | Hoadley, Elizabeth | Jacobson, Alf      |
| Krueger, Patricia  | Larrabee, David   | Lockwood, Robert   | Marshall, Kenneth  |
| Maxfield, Roy      | Moore, Carol      | Morrill, Olive     | Nichols, Avis      |
| Owen, Derek        | Plaff, Terence    | Reardon, Tara      | Rogers, Katherine  |
| Seldin, Gloria     | St. Cyr, Gerard   | Wallin, Jean       | Wallner, Mary Jane |
| Whalley, Michael   | Yeaton, Charles   |                    |                    |

**ROCKINGHAM**

|                       |                          |                    |                     |
|-----------------------|--------------------------|--------------------|---------------------|
| Abbott, Dennis        | Battles-Peirce, Marjorie | Blanchard, MaryAnn | Case, Margaret      |
| Christie, Andrew, Jr. | Clark, Martha            | Coes, Betsy        | Cooney, Richard     |
| Cushing, Robert       | Dearborn, Bruce          | Dodge, Robert      | Dowd, Sandra        |
| Downing, Michael      | Flanagan, Natalie        | Flanders, David    | Francoeur, Sheila   |
| Frechette, Joseph     | Gibbons, Paul            | Gleason, John      | Heath, John         |
| Hutchinson, Rebecca   | Johnson, Robert          | Kane, Cecelia      | Katsakiores, George |

Katsakiores, Phyllis  
Langone, John  
McGovern, Cynthia  
Pantelakos, Laura  
Smith, Kevin  
Tufts, J. Arthur

Kelley, Jane  
Lovejoy, Marian  
Micklon, Stephanie  
Rubin, George  
Stone, Joseph  
Vaughn, Charles

Kobel, Rudolph  
Malcolm, Kenneth  
Norelli, Terie  
Sabella, Norma  
Stritch, C. Donald  
Weatherspoon, Jackie

Langley, Jane  
McCarthy, John, Jr.  
O'Keefe, Patricia  
Schanda, Frank  
Syracusa, Anthony

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Pelletier, Marsha  
Snyder, Clair  
Torr, Ann  
Vachon, Dennis

Brennan, William  
DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Merritt, Deborah  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin  
Vincent, Francis

Brown, George  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Musler, George  
Rollo, Michael  
Sullivan, Henry  
Tsiros, William  
Wall, Janet

Brown, Julie  
Estabrook, Iris  
Kaen, Naida  
McCann, William, Jr.  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Twardus, Joseph

Adler, Rudolf  
Donovan, Thomas  
Lindblade, Eric

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Schotanus, Merle

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

### NAYS 108

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert

Boyce, Robert  
Lawton, David

Clark, Charles  
Rice, Thomas, Jr.

Golden, Paul  
Turner, Robert

### CARROLL

Babson, David, Jr.  
Patten, Betsey

Chandler, Gene

Foster, Robert

Howard, Godfrey

Hunt, John

### CHESHIRE

### COOS

St. Hilaire, Paul

Tholl, John, Jr.

### GRAFTON

Alger, John  
Root, John  
Williams, William, Jr.

Chase, Paul, Jr.  
Teschner, Douglass

Cobbin, Philip  
Trelfa, Richard

Mirski, Paul  
Weber, Phil

### HILLSBOROUGH

Batula, Peter  
Carney, Lauren  
Desrosiers, William  
Gagnon, Eugene  
Holt, David  
Letendre, Evelyn  
McCarty, Winston  
Mittelman, David  
Sargent, Maxwell

Brundige, Robert  
Chabot, Robert  
Dyer, Merton  
Golding, William  
Hunter, Bruce  
Luebker, Bernard  
McGough, Tim  
Murch, George  
Wright, George

Burke, M. Virginia  
Clegg, Robert, Jr.  
Fenton, James  
Goulet, Maurice  
Jean, Loren  
MacGillivray, Jeffrey  
McRae, Karen  
Pepino, Leo

Calawa, Leon, Jr.  
Daniels, Gary  
Flora, Kathleen  
Herman, Keith  
L'Heureux, Robert  
Marcinkowski, Michael  
Milligan, Robert  
Riley, Frances

### MERRIMACK

Adams, Stephen  
Lamach, Bernard  
Whittemore, James

Brown, Mary  
Langer, Ray

Colburn, Kathleen  
Lavoie, Gerard

Colburn, Thomas  
Leber, William

**ROCKINGHAM**

|                    |                     |                       |                     |
|--------------------|---------------------|-----------------------|---------------------|
| Arndt, Janet       | Beaulieu, Jon       | Belanger, Ronald      | Bishop, Franklin    |
| Camm, Kevin        | Carson, Gregory     | Cegelis, Mark         | Dolan, Richard      |
| Dowling, Patricia  | Dube, LeRoy         | Dunham, Vivian        | Felch, Charles, Sr. |
| Fesh, Robert       | Flanders, John, Sr. | Griffin, Mary         | Guthrie, Joseph     |
| Henderson, Warren  | Klemm, Arthur, Jr.  | Letourneau, Robert    | Major, Norman       |
| McKinney, Betsy    | Mikowski, Walter    | Millard, Ralph        | Moore, Benjamin     |
| Morris, Debbie     | Nowe, Ronald        | Noyes, Richard        | Packard, Sherman    |
| Raynowska, Bernard | Reardon, Neil       | Simmons, John Anthony | Stickney, Nancy     |
| Varrell, Thomas    | Verani, Giovanni    | Welch, David          | Weyler, Kenneth     |
| Woods, Deborah     |                     |                       |                     |

**STRAFFORD**

Bickford, David                      McKinley, Robert

**SULLIVAN**

Kibbey, David

and the majority report was adopted.

Referred to Finance.

Rep. Feng wished to be recorded against.

**REMARKS**

Rep. William Riley moved that the remarks made by Rep. Jacobson be printed in the Journal. On a division vote, 190 members having voted in the affirmative and 160 in the negative, the motion was adopted.

Rep. Jacobson: Thank you Madam Speaker. Yesterday I received a letter. I don't know if anybody else received one. It was about the Shaheen tax trap. I like that imagery. In fact, I'm going to adopt it - the tax trap. For example, I could now speak of the property tax trap over which many hundreds of millions of dollars have been added in the last decade. In fact, in the last two years of Governor Merrill, there was an addition of \$60 million in additional property tax. I could speak of the Merrill interest and dividends tax trap as well. So, it is a good idea and I'm going to use it. Now, the letter had more than a score of arguments against House Bill 50. If I were to stand up here and deal with all of them, I'm sure the Speaker would chase me off, so I'm only going to deal with a few of them. The first one is about the \$400 million regarding Public Service Company. Maybe I could call that the Rath electric rate tax trap of 1989. What is important about that is that it has nothing to do with kindergarten. It is the ratepayers who are going to pay that. Then, there is the Claremont law suit. Do you know that in Legislative Services there is a piece of legislation laying there quietly that would, in fact, reduce the property taxes of over 65 percent of the homeowners in New Hampshire and would not increase spending one thin dime? So we don't need to worry about that one either. Then, there is the prospect of the \$100 million interest and dividends court suit. Well, we are not going to introduce a tax for that. I'm quite confident that if that should come down that way, we would bond for it. We couldn't afford to do that in any way. Then, there is something else that is interesting. It relates to Augenblick. I have never seen so many people who are for Augenblick now. I became so curious that I went back and looked at House Bill 1319 in the 1994 session. And, what did I discover? Ninety-nine-point-44 percent of those people who now say they are for it, voted against the full funding. Now, somebody has to explain that to this country boy. When you get down to the hard rubbings of it, you are either for universalized kindergarten or you are not. If you are for it, we have to either raise the revenue or cut spending someplace else. Those are our two choices. Now, you may be agreeing with Nackey Loeb's newest Arizona expert on New Hampshire government. Do you know what he says? He says that by the third grade those who have gone to kindergarten have fallen behind those that didn't go to kindergarten in the third grade in terms of their reading ability. I haven't seen the study for that, but that is the kind of argument that can be raised. In fact, I had somebody who called me and said I want you to read Lessner's article, he's right on. So I did. Now, if you are for a universalized kindergarten then you are going to vote for House Bill 50. If you are for these young children,

they are our future. An old duffer like me, I'm in the past, but they are the future. If anything, we should protect the future. So, if you are for protecting the future, if you are for your children, your grandchildren, your neighbor's children, here is your chance to demonstrate your willingness to move forward on this issue. Thank you.

### REGULAR CALENDAR (CONT'D.)

#### **HB 531-FN**, increasing the amount superior court bailiffs are paid per day. **INEXPEDIENT TO LEGISLATE**

Rep. Arthur P. Klemm, Jr. for Finance: This bill proposed to increase from \$50 to \$65 the per diem paid to superior court bailiffs. The office of the courts indicated state general fund expenditures would increase by \$450,000 in 1998 and each year thereafter. The committee felt that with our current budget situation the general fund could not afford this additional money. Therefore, the bill was found Inexpedient to Legislate. Vote 14-5.

Rep. Lovett spoke against.

Rep. Klemm spoke in favor and yielded to questions.

Adopted.

Reps. Christie and Tholl declared conflicts of interest and did not participate.

#### **HB 25-A**, making appropriations for capital improvements. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gene G. Chandler for Public Works and Highways: HB 25-A is the Capital Budget, representing the state's capital program for the ensuing biennium. As an overall concept, the committee made a concerted effort to include a number of deferred maintenance capital items such as roofs, energy savings, and life safety issues, etc., throughout a variety of departments. Major projects included are: \$3.5 million for Post Secondary Technical Education roof projects, laboratory upgrades, libraries, etc; \$4 million for a Carroll County Superior/District Court facility, adds design money for the Jaffrey/Peterborough District Court with the proviso that the land for the facility comes at no cost to the state. Department of Health and Human Services will see a new building at the Glencliff Home, the parking garage for the renovated Brown Building on the NH Hospital Campus, and a major computer initiative which will have its five year bond payments paid by the interest from the Health Care Transition Fund. The committee approved a \$2.485 million appropriation for point-of-sale cash registers which will utilize the latest technology and increase our revenues from liquor sales. The Department of Resources & Economic Development will receive some \$965,000 for repairs and renovations to the Rocky Bend Seawall, the bathhouses at Sunapee and Lake Francis, and to complete the Mt. Washington siding and window project. The Department of Safety received a total of \$2.5 million to upgrade its microwave system, (this is telecommunications not ovens), and for additions at the Dover Point Substation and the Epping Station. The Veteran's Home received a number of equipment and bed replacement items, and the bill sets up a committee to study the long term patient needs as it relates to a building expansion project. Youth Development Services is receiving \$1.9 million for various renovation and repair projects, one million of which will renovate the Pine Crest Building. The University System is scheduled for three projects, the Young Building and Mason Library at Keene, and renovations at Pettee Hall. The Fish and Game Department will see some building modification at the Concord headquarters, and a ¾ million dollar appropriation for a new radio system. The Department of Transportation may finally get its much needed building expansion via a \$2.9 million appropriation, plus a \$2 million increase in the Abandoned Railroad/Airport Acquisition Fund. On an historic note, money is included in this budget to repair and recondition the statues on the State House grounds. There are a number of computer related requests sprinkled throughout this budget, and in order to try to get a handle on these expenses they have been approved with the caveat that no expenditures can be made until each agency's plans are reviewed by the Office of Information Technology pursuant to RSA 21-I:67, and approved by the Capital Budget Overview Committee, and Governor and Council. The Governor's original General Fund obligation as it came to the Public Works & Highways Committee totaled \$65,536,492, and the Public Works & Highways Committee feels it has satisfactorily met the capital needs of the state for the next biennium with a General Fund obligation of \$63,451,919. Vote 21-0.

**Amendment (0811h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** making appropriations for capital improvements, establishing a committee to study federal buildings and patients needs relative to the veteran's home, and relative to the purposes of the health care transition fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

**I. Adjutant General.**

|  |                   |
|--|-------------------|
| A. Replace roofs-Manchester, Berlin  | \$ 175,000        |
| B. Re-roof organizational maintenance shop<br>and 3 motor vehicle storage buildings                | \$ 96,000         |
| Less federal   | - 72,000          |
| Net state appropriation subparagraph B   | <u>\$ 24,000</u>  |
| C. Re-roof Concord United States property and fiscal office and<br>organizational maintenance shop | \$ 88,000         |
| Less federal   | - 66,000          |
| Net state appropriation subparagraph C   | <u>\$ 22,000</u>  |
| Total state appropriation paragraph I  | <u>\$ 221,000</u> |

**II. Department of Administrative Services.**

**A. Bureau of General Services.**

|   |                   |
|---|-------------------|
| 1. Life Safety -health and human services building              | \$ 597,000        |
| 2. Fire suppression-state library                               | \$ 60,000         |
| 3. Life safety - state house annex                              | \$ 120,000        |
| 4. Roof repair - supreme court                                  | \$ 75,000         |
| 5. Roof repair - health and human services building             | \$ 85,000         |
| 6. Electrical system upgrade - state house annex                | \$ 50,000         |
| 7. Replace unsafe flooring - health and human services building | \$ 500,000        |
| 8. Repair windows - state house annex                           | \$ 52,000         |
| 9. Energy savings - health and human services building *        | \$ 337,189        |
| 10. Electrical system upgrade - state house                     | \$ 85,000         |
| 11. Electrical system upgrade - state library                   | \$ 128,000        |
| 12. Repair drainage system - state library                      | \$ 100,000        |
| 13. Parking garage repairs - legislative office building        | \$ 60,000         |
| 14. Parking garage repairs - Storrs Street                      | \$ 160,000        |
| 15. Emergency repairs, contingency fund                         | <u>\$ 100,000</u> |

Total state appropriation subparagraph A \$ 2,509,189

The funds appropriated in subparagraph II, A, 15 for emergency repairs, contingency fund, shall not be spent, obligated, or encumbered until such time as the department has received approval for an emergency repair from the capital budget overview committee.

**B. Financial Data Management.**

|  |                   |
|--|-------------------|
| 1. LAN hardware and site preparation *   | \$ 950,000        |
| 2. Year 2000 financial system support *  | \$ 1,300,000      |
| 3. Check processing and mailing system * | <u>\$ 193,000</u> |

Total state appropriation subparagraph B \$ 2,443,000

**C. Bureau of Court Facilities.**

|   |                   |
|---|-------------------|
| 1. Carroll county Superior Court and<br>Wolfeboro/Ossipee District Courts | \$ 4,000,000      |
| 2. Design Jaffrey-Peterborough District Court                             | <u>\$ 125,000</u> |

Total state appropriation subparagraph C \$ 4,125,000

Total state appropriation paragraph II \$ 9,077,189

The funds appropriated in subparagraph II, C, 2 shall not be expended until a site is chosen and acquired at no cost to the state.

|  |               |
|--|---------------|
| III. Department of Corrections.  |               |
| A. Upgrade hot water supply - Concord  | \$ 98,000     |
| B. Replace roll-up doors - Concord   | \$ 50,000     |
| C. Sprinkler system in gymnasium and auto shop - Concord   | \$ 75,000     |
| D. Prison automation system *  | \$ 750,000    |
| Total state appropriation paragraph III  | \$ 973,000    |
| IV. Community-technical college system.  |               |
| A. Roof projects - Manchester, Claremont, Nashua, Concord  | \$ 786,300    |
| B. Window replacement/repair - Stratham  | \$ 234,000    |
| C. Critical laboratory support for N.H. industries   | \$ 1,400,000  |
| D. Library support systems   | \$ 500,000    |
| E. Upgrade general science laboratories  | \$ 600,000    |
| Total state appropriation paragraph IV   | \$ 3,520,300  |
| V. Department of Environmental Services.   |               |
| A. Waste water state revolving fund match  | \$ 5,970,000  |
| B. Drinking water state revolving fund match   | \$ 4,659,200  |
| C. Computer system upgrade   | \$ 562,500    |
| D. Bedrock aquifer assessment  | \$ 437,410    |
| E. Winnepesaukee River basin supervisory control and data acquisition  | \$ 2,034,600  |
| Less local   | - 1,627,680   |
| Net state appropriation subparagraph E   | \$ 406,920    |
| F. Dam removal   | \$ 204,400    |
| Total state appropriation paragraph V  | \$ 12,240,430 |
| VI. Department of Health and Human Services Commissioner's Office.   |               |
| A. Medical and surgical building life/safety improvements  |               |
| - NH hospital  | \$ 200,000    |
| B. Acute psychiatric service building parking improvement  |               |
| - NH hospital  | \$ 400,000    |
| C. Roof repairs medical and surgical building,   |               |
| Thayer, Koutras - NH hospital  | \$ 185,000    |
| D. Water and sewage system - Glencliff   | \$ 250,000    |
| E. Repair tunnel retaining walls -Glencliff  | \$ 100,000    |
| F. Brown building addition and renovation - Glencliff  | \$ 3,870,000  |
| G. Porch renovations - Glencliff   | \$ 200,000    |
| H. Flooring replacements - Glencliff   | \$ 90,000     |
| I. Parking garage and windows - Brown building   |               |
| - NH hospital  | \$ 5,600,000  |
| J. Public health laboratory safety equipment   | \$ 321,500    |
| Total state appropriation paragraph VI   | \$11,216,500  |
| For the sums appropriated in subparagraph I, the state is assisting in infrastructure improvements with the city of Concord. |               |
| VII. Liquor Commission.  |               |
| A. Complete Hampton south restrooms  | \$ 400,000    |
| B. Point-of-sale registers   | \$ 2,485,000  |
| C. Replace brick on warehouse  | \$ 150,000    |
| Total state appropriation paragraph VII  | \$ 3,035,000  |
| VIII. Port Authority.  |               |
| A. Mooring bollard   | \$ 130,000    |
| B. Replacement fenders   | \$ 185,000    |
| C. Dredging Little Harbor  | \$ 1,040,000  |
| Less federal   | - 1,000,000   |
| Net state appropriation subparagraph C   | \$ 40,000     |
| Total state appropriation paragraph VIII   | \$ 355,000    |

## IX. Department of Resources and Economic Development.

|   |            |
|---|------------|
| A. ADA compliance for parks facilities        | \$ 70,000  |
| B. Repair Rocky Bend seawall                  | \$ 300,000 |
| C. Replace bath house - Sunapee               | \$ 150,000 |
| D. Replace bridge - Lafayette campground      | \$ 95,000  |
| E. Complete Mt. Washington siding and windows | \$ 225,000 |
| F. Toilet/Shower building - Lake Francis      | \$ 125,000 |
| Total state appropriation paragraph IX        | \$ 965,000 |

## X. Department of Safety.

|                                       |              |
|---------------------------------------|--------------|
| A. Microwave system upgrade *         | \$ 2,000,000 |
| Total state appropriation paragraph X | \$ 2,000,000 |

## XI. Secretary of State

|   |           |
|---|-----------|
| A. Shelves in records and archives building - Concord | \$ 65,000 |
| Total state appropriation paragraph XI                | \$ 65,000 |

## XII. Department of Transportation.

|  |              |
|--|--------------|
| A. 5-10 percent match FAA airport projects | \$ 2,500,000 |
| B. Statewide fuel tank inspection          | \$ 100,000   |
| Total state appropriation paragraph XII    | \$ 2,600,000 |

## XIII. N.H. Veterans Home.

|  |            |
|--|------------|
| A. Replace 25 mechanical hospital beds *     | \$ 35,000  |
| B. Rebuild Welch kitchenette and equipment * | \$ 15,000  |
| C. Replace laundry equipment *               | \$ 17,400  |
| D. Replace kitchen equipment *               | \$ 24,100  |
| E. Replace Tarr North hot water tank *       | \$ 20,000  |
| Total state appropriation paragraph XIII     | \$ 111,500 |

## XIV. Youth development services.

|   |              |
|---|--------------|
| A. Sewer line - YDC                     | \$ 104,000   |
| B. Water mains - YDC                    | \$ 493,000   |
| C. Roofing projects - YDC               | \$ 375,000   |
| D. Renovate Pine Crest - YDC            | \$ 1,000,000 |
| Total state appropriation paragraph XIV | \$ 1,972,000 |

Total state appropriation section 1 \$ 48,351,919

\* The bonds issued for these projects shall be 5-year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

|  |              |
|--|--------------|
| I. Addition to former Young building - Keene       | \$ 5,400,000 |
| II. Mason library renovation and expansion - Keene | \$ 4,100,000 |
| III. Pettee hall general renovations - Durham      | \$ 3,600,000 |

Total state appropriation section 2 \$ 13,100,000

3 Appropriation; Department of Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

|                                       |            |
|---------------------------------------|------------|
| I. Headquarters building modification | \$ 125,000 |
| II. Statewide digital radio system *  | \$ 750,000 |

Total state appropriation section 3 \$ 875,000

The funds appropriated in paragraph I for headquarters building modifications shall not be spent, obligated, or encumbered until the department has developed an implementation schedule and received the approval of such schedule from the capital budget overview committee.

\* The bonds issued for these projects shall be 5-year bonds.

4 Appropriation; Department of Transportation and Department of Safety. The sums hereinafter detailed are hereby appropriated for the projects specified:

## I. Department of Transportation

|                                       |              |
|---------------------------------------|--------------|
| A. John O. Morton building renovation | \$ 3,900,000 |
| Total state appropriation paragraph I | \$ 3,900,000 |

## II. Department of safety

|  |              |
|--|--------------|
| A. Dover Point Substation addition     | \$ 195,000   |
| B. Warehouse/Epping station            | \$ 195,000   |
| C. Microwave system upgrade *          | \$ 500,000   |
| Total state appropriation paragraph II | \$ 890,000   |
| Total state appropriation section 4    | \$ 4,790,000 |

\* The bonds issued for these projects shall be 5-year bonds.

5 Expenditures; General. The appropriations made for the purposes mentioned in sections 1, 3 and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

## 6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

V. Notwithstanding paragraphs III and IV, the sums appropriated by section 2, paragraphs II and III of this act for the Mason library renovation and expansion in Keene and the Pettee hall renovations in Durham, may be expended and awarded by the trustees of the university system; provided that all contracts for all or any part of the building or facilities shall follow construction management procurement procedures and guidelines. If the trustees select construction management pursuant to this paragraph, paragraphs III and IV shall not apply and the trustees shall retain the right to reject or negotiate following accepted construction management practices.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 of this act, except such land, if any, as may be acquired under the appropriation for the department of environmental services, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$67,116,919 and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

#### 9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 3 shall be made when due from the fish and game fund.

(b) Section 4 shall be made when due from the highway fund.

10 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of bonds and notes issued for the purpose of section 2.

11 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of this act.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

12 Transfers. The individual project appropriations, as provided in sections 1, 3 and 4 shall not be transferred or expended for any other purpose; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section. The individual project appropriations provided in section 2 shall not be transferred, or expended pursuant to section 6, for any other purpose unless approval has been obtained from the capital budget overview committee.

13 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3 and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

14 Health Care Transition Fund; Purpose Changed. Amend the introductory paragraph of RSA 167:71 to read as follows:

*The interest earnings from the fund shall be expended first to fund the cost of bonds for the purpose of computer system initiatives including child support system improvements, eligibility system completion, child welfare system completion, medical services managed care, and service provider integration; provided that if interest earnings are insufficient, the fund balance for the amount necessary shall be used to fund the cost of such bonds. Any remaining interest earnings shall be expended to:*

15 Health Care Transition Fund; Accumulated Income. Amend RSA 167:72 to read as follows:

167:72 Accumulated Income. Commencing with the fiscal year ending June 30, 1995, the state treasurer shall annually, on or before October 1, certify an amount to the commissioner which shall be the sum of the income accumulated in the fund that will be available to be expended under RSA [167:71] 167:71, I-III plus the market value of the principal assets held in the fund. Only the interest earnings shall be expended for the purposes outlined in RSA 167:71. Notwithstanding any other provision of law, the funds appropriated for expenditure shall not be reduced by any funds made available from other sources.

16 Department of Health and Human Services; Computer System Capital Appropriation.

I. The sum of \$34,599,948 is hereby appropriated to the department of health and human services for the purpose of computer system initiatives including child support system improvements, eligibility system completion, child welfare system completion, medical services managed care, and service provider integration. This appropriation is in addition to any other funds appropriated to the department of health and human services.

II. Of the total sum appropriated in paragraph I, \$19,813,823 shall be from federal or other funds, and no more than \$14,786,125 shall be from state funds.

17 Bonds Authorized. To provide funds for the appropriation of state funds made in section 16 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$14,786,125 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for such project shall be made when due from the health care transition fund pursuant to RSA 167:71. The bonds shall be 5-year bonds.

18 Information Technology Equipment and Software. Individual project appropriations for information technology equipment provided for by sections 1, 3, 4, or 16 shall not be spent, obligated, or encumbered until such time as the agency's information technology plans are reviewed by the office of information technology pursuant to RSA 21-I:67 and approved by the capital budget overview committee, and the governor and council.

19 Appropriation; Bonds Authorized; Transfer of Funds; Statues on State House Grounds.

I. The sum of \$50,000 is appropriated to the joint legislative historical committee established in RSA 17-I:1 for the purpose of the repair and reconditioning of the statues on state house grounds.

II. To provide funds for the appropriation made in paragraph I:

(a) The state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$36,840 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for such project shall be made when due from the historical fund established in RSA 177:8, II. The bonds shall be 10-year bonds.

(b) The sum of \$13,160 is hereby transferred from funds held by the department of administrative services from the insurance settlement for the Daniel Webster statue to the joint legislative historical committee for the purposes of this section.

20 Committee Established.

I. There is established a committee to study the issue of federal buildings and patients' needs relative to the New Hampshire veterans' home.

II. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee. The committee shall elect a chair from among its members.

IV. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

21 Increased Bond Authorization; Dam Maintenance Fund. Amend RSA 482:56 to read as follows:

482:56 Bonds Authorized. To provide working capital for initiation of the fund established in RSA 482:55, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of [~~\$7,900,000~~] **\$9,800,000** and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

22 Appropriation Extended; Date Changed; Resources and Economic Development. Amend 1993, 349:18, III as inserted by 1995, 285:2 to read as follows:

III. The appropriation contained in paragraph I shall not lapse until June 30, [~~1997~~] **1999**. Any balances remaining as of June 30, [~~1995~~] **1997**, shall be allocated by the review committee or budgeted within the state operating budget for the purposes of paragraph I or other economic initiatives and programs.

23 Appropriation Purpose Amended; Resources and Economic Development. Amend 1993, 359:1, IX, C, 4 as extended by 1994, 171:1 and 1996, 190:11 to read as follows:

4. Septic systems- [Weeks/Wentworth] **state parks** 150,000

24 Appropriation Purpose Amended; Appropriation Increased; Department of Transportation. Amend 1990, 200:10 and 11 to read as follows:

200:10 Appropriation. The sum of [~~\$3,000,000~~] **\$5,000,000** is hereby appropriated to the commissioner of the department of transportation for the purchase of rail properties as defined by RSA 228:54, VIII including, but not limited to, abandoned railroad rights-of-way under RSA 228:60-a

*and for the purchase of privately-owned airports offered for sale to the state under RSA 422:46. The commissioner may purchase active railroad rights-of-way under RSA 228:60-a only after approval is obtained from the capital budget overview committee.* This appropriation shall be nonlapsing.

200:11 Bonds Authorized. To provide funds for the appropriation made in section 10 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$3,000,000~~] **\$5,000,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general funds of the state.

25 Hanover-Lebanon District Court; Appropriation Increased. Amend 1992, 289:27 and 28, as amended by 1993, 359:17, 1995, 309:16, and 1996, 190:13 to read as follows:

289:27 Department of Administrative Services; Hanover-Lebanon District Court Capital Appropriation. The sum of [~~\$1,550,000~~] **\$1,590,000** is hereby appropriated to the department of administrative services for the purpose of acquiring, purchasing, entering into a lease purchase agreement, or leasing land or buildings or land and buildings and to construct or renovate, and furnish such buildings as is necessary to establish the Hanover-Lebanon district court. The department of administrative services is authorized to negotiate the acquisition, purchase, or lease of such land and buildings within the limits of the appropriated amount. A resulting purchase contract shall receive such review and approval as required by state law. This appropriation is in addition to any other funds appropriated to the department of administrative services.

289:28 Bonds Authorized. To provide funds for the total of the appropriation of state funds made in section 27 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$1,550,000~~] **\$1,590,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for such project shall be made when due from the general funds of the state.

26 Reduce Appropriation; Lancaster Court Facility. Amend 1995, 309:1, II, B, 1, as amended by 1996, 190:14, to read as follows:

1. New court facility - Lancaster [~~\$ 3,850,000~~] **\$ 3,810,000**

27 Total Adjusted. Amend 1995, 309:1, II, B, total state appropriation subparagraph B, as amended by 1996, 190:15, to read as follows:

Total state appropriation subparagraph B [~~\$ 4,150,000~~] **\$ 4,110,000**

28 Total Adjusted. Amend 1995, 309:1, II, total state appropriation paragraph II as amended by 1996, 190:16, to read as follows:

Total state appropriation paragraph II [~~\$11,484,000~~] **\$11,444,000**

29 Total Adjusted. Amend 1995, 309:1, total state appropriation section I, as amended by 1996, 190:17, to read as follows:

Total state appropriation section I [~~\$48,661,192~~] **\$48,621,192**

30 Bonds Authorized; Total Adjusted. Amend 1995, 309:8, as amended by 1996, 190:18, to read as follows:

309:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$57,835,592~~] **\$57,795,592** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

31 Health and Human Services; Automated Case Management Information System; Federal Amount Increased. Amend 1993, 359:1, V,C,5 as amended by 1995, 309:17 and 1995, 310:189 to read as follows:

5. Case management system [~~\$14,997,830~~] **\$21,148,694**

Less federal - [~~8,292,403~~] **14,443,267**

Net state appropriation subparagraph 5 **\$ 6,705,427**

32 Lapse Dates Extended to June 30, 1999. The following appropriations are hereby extended to June 30, 1999.

I. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 1, as amended by 1991, 351:27, II(l) and 1992, 289:60, as extended by 1993, 359:20, V, 1995, 309:32, VII, and 1996, 215:3, I for improvements at the Keene Dillant-Hopkins airport.

II. The appropriation to the department of resources and economic development in 1991, 4:22, as amended by 1992, 289:26, 1993, 358:18, and 1995, 285:1 for the New Hampshire economic development fund.

III. The appropriation made to the university of New Hampshire in 1992, 260:16, as extended by 1995, 309:33, VIII for the design and site planning for a research facility on the site of the former Pease Air Force Base.

IV. The appropriation made to the department of transportation in 1992, 289:21, as extended by 1993, 359:20, III, 1995, 309:32, VI, and 1996, 215:3, II for the purpose of general aviation apron expansion and construction of a taxiway to runway 36 at the Lebanon airport.

V. The appropriation made to the department of administrative services by 1992, 289:27 as amended by 1993, 359:7, 1995, 309:16 and by section 25 of this act, for Hanover-Lebanon District Court.

VI. The appropriation made to the department of health and human services in 1993, 359:1, V, B, 4, as extended by 1994, 171:1, and as amended by 1995, 309:15, for life and safety renovations for the Glencliff Home.

VII. The appropriation made to the department of resources and economic development in 1993, 359:1, IX, C, 4, as extended by 1994, 171:1 and 1996, 190:11, and as amended by section 23 of this act for state park septic systems.

VIII. The appropriation made to the department of health and human services in 1993, 359:1, V, C, 5 as extended by 1994, 171:1 and as amended by 1995, 309:17, 1995, 310:189 and by section 31 of this act, for automated case management information system.

IX. The appropriation made to the department of safety in 1993, 359:1, XI, B, as extended by 1994, 171:1, and as amended by 1994, 382:7 and 1995, 309:22, for fire standards and training dormitory.

X. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1 and 1996, 215:3, III for land acquisition for navigation beacons.

XI. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 1, for the health and human services building and laboratory HVAC renovations.

XII. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 2, for replacing of variable speed drives in laboratory.

XIII. The appropriation made to the department of administrative services in 1995, 309:1, II, B, 2, for study and design of court facility-Dover/Durham district court.

XIV. The appropriation made to the department of corrections in 1995, 309:1, IV, A, to upgrade electronic perimeter fence security system, N.H. state prison-Concord.

XV. The appropriation made to the department of corrections in 1995, 309:1, IV, I, for resurfacing laundry building roof-lakes region facility.

XVI. The appropriation made to the department of corrections in 1995, 309:1, IV, K for preliminary design of expanded correctional facilities in accordance with federal crime bill grants.

XVII. The appropriation made to the department of corrections in 1995, 309:1, IV, L, for construction of boilers, N.H. state prison for women - Goffstown.

XVIII. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, 1, for RSA 171-B mentally retarded criminal offenders.

XIX. The appropriation made to the department of health and human services by 1995, 309:1, VII, C, 1 for life and safety renovations - Glencliff.

XX. The appropriation made to the port authority in 1995, 309:1, X, A, for Pier surface repair.

XXI. The appropriations made to the department of resources and economic development in 1995, 309:1, XII, A, 2-4, for Sunapee/Cannon lift and ski area repairs, construction of recreational vehicle dump sites, and repair of Androscoggin bridge abutments.

XXII. The appropriation made to the department of safety in 1995, 309:1, XIII, A, 1, for fire academy - ladder training tower - Concord.

XXIII. The appropriation made to the department of safety in 1995, 309:1, XIII, A, 2, for fire academy - commercial building - Concord.

XXIV. The appropriation made to the department of transportation in 1995, 309:1, XV, B, for renovations to state-owned facilities for ADA compliance-statewide.

XXV. The appropriation made to the department of transportation in 1995, 309:1, XV, C, for 5-10 percent match for FAA project-statewide.

XXVI. The appropriation made to the university system of New Hampshire in 1995, 309:2, B, for renovation, deferred maintenance and code compliance.

XXVII. The appropriation made to the department of transportation in 1995, 309:4, I, A, for radio system upgrade - statewide.

XXVIII. The appropriation made to the department of health and human services by 1995, 310:191 for medical and surgical building life and safety improvements.

33 Effective Date.

I. Section 32 of this act shall take effect June 30, 1997.

II. The remainder of this act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill makes appropriations for capital improvements for the biennium and extends certain lapse dates, establishes a committee to study federal buildings and patient needs relative to the veteran's home and adds a new purpose for the health care transition fund.

Rep. Cushing spoke against and yielded to questions.

Rep. Gene Chandler spoke in favor and yielded to questions.

Adopted and referred to Finance.

Rep. Feng wished to be recorded against.

### SPECIAL ORDER

Rep. Kurk moved that **HB 195-FN-A**, increasing the exemption amount under the interest and dividends tax be made a Special Order for Wednesday, April 2, 1997.

Adopted.

### HOUSE RESOLUTION NO. 20

requesting an opinion of the justices concerning the constitutionality of HB 198-LOCAL, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction.

Whereas, there is presently pending before the House of Representatives HB 198-LOCAL, an act allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction; and

Whereas, section 2 of HB 198-LOCAL provides that a town or city may vote to adopt a new construction property tax exemption for industrial uses; and

Whereas, section 2 of HB 198-LOCAL further provides that a new construction property tax exemption for industrial uses may run for a period of 3 to 5 years following new construction and that the exemption for all years shall cumulatively not exceed 200 percent of the increased assessed value; and

Whereas, legislation proposing new tax exemptions should be scrutinized to determine its constitutionality; now, therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Is the classification of taxable property provided for in HB 198-LOCAL based on a reasonable distinction which promotes a proper object of public welfare and does not require any taxpayer to pay more than his or her fair share of the tax burden as required by part I, article 12 of the New Hampshire Constitution?

2. Do the provisions of HB 198-LOCAL which temporarily exempt certain real property from property taxes violate the constitutional requirements of uniformity and equality governing the assessment and collection of property taxes and the constitutional prohibition against authorizing gifts to corporations organized for profit, all required by part II, article 5 of the New Hampshire Constitution?

That the clerk of the House of Representatives transmit copies of this resolution and copies of HB 198-LOCAL to the justices of the New Hampshire Supreme Court.

Rep. Hess moved Ought to Pass and spoke in favor.

Rep. Mirski spoke against.

Adopted. and ordered to third reading.

## SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit hearings without the proper notice on **HB 53-FN-A**, relative to the meals and rooms tax and tourism promotion and making appropriations therefor and **HB 810-FN-A**, appropriating certain funds from the highway surplus account to the department of transportation.

Adopted by the necessary two-thirds.

## RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 2, 1997 at 1:00 p.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 667**, relative to confidentiality issues concerning the exchange of information between the departments of revenue administration and employment security and relative to payment of employer contributions.

**HB 537-FN**, relative to the practice of allied health professionals.

**HB 806-FN-L**, relative to the business finance authority.

**HB 144**, relative to cash incentives paid to servants and agents, excluding commission employees, authorized to sell tickets.

**HB 186-FN**, relative to fees for number plates and reducing the amount of the inventory fund in the department of safety.

**HB 229-FN-A-L**, establishing a reading recovery training program.

**HB 436-FN-L**, establishing restrictions in building aid for conversions of area schools to cooperative school districts, and relative to increasing or decreasing grades in cooperative school districts.

**HB 501**, including blindness in the special education provisions, and allowing attorneys to act as neutrals in special education dispute resolution.

**HB 533-FN**, making technical corrections in the liquor laws.

**HB 674-FN**, relative to dam registration and filing fees.

**HB 700-FN-L**, relative to the renovation of regional vocational education centers and expanding an existing appropriation to include such renovations.

**HJR 1**, urging the preservation and continued development of community services to people with developmental disabilities and their families.

**HR 20**, requesting an opinion of the justices concerning the constitutionality of **HB 198-LOCAL**, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction.

## UNANIMOUS CONSENT

Rep. Felch addressed the House.

## PERSONAL PRIVILEGE

Rep. Vaillancourt addressed the House.

## RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:00 p.m.

## RECESS

### (Speaker Sytek in the Chair)

Rep. Channing Brown moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 15

Wednesday, April 2, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of our lives, in this season of powerful transformations, when winter gives way grudgingly to the warmth and softness of spring, help us to offer ourselves to the possibilities of Your renewing grace. Where we cling to fear and power enable us to unclench our lives and commit ourselves anew to Your compassionate desires for us and the people we serve. Grant us Your strength and wisdom in the sacrament of this day so that we may give ourselves entirely to Your dreams for the land and people of New Hampshire. Amen.

Reps. Jane Clemons and Rice led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Berube, Carson, Patricia Cote, Doucette, Feng, Beverly Gage, Hawkinson, Morello, O'Connell and Paul Taylor, the day, illness.

Reps. Asselin, Carlson, Chabot, Connolly, Crowell, Cecelia Kane, Lundborn, Mock, Marsha Pelletier, John Pratt, Robertson and Katherine Rogers, the day, important business.

Reps. Amidon and James McDonald, the day, death in the family.

Rep. Pantelakos, the day, illness in the family.

### INTRODUCTION OF GUESTS

Elaine Langer, Elizabeth Steward, Stella Black and former N. H. Rep. William Rose, wife and guests of Rep. Langer. Members of the Student Council from Memorial Drive School in Farmington, guests of Reps. Spear, Sullivan and Tsiros. Mrs. Carr's 4<sup>th</sup> grade class from the Henniker Community School, guests of Rep. French. Jeff Trelfa and Annette Minton, guests of Rep. Trelfa. Martha Teschner, wife of Rep. Teschner.

### SPECIAL GUEST

Miss New Hampshire, Michelle Tolson, guest of the House.

### SENATE MESSAGE

### CONCURRENCE

**HB 123**, relative to reduced speed limits in school zones during school openings and closings.

**HB 150**, relative to the unlawful alteration of temporary motor vehicle registration plates.

**HB 219**, repealing provisions relative to literacy instruction and the committee to study literacy and remedial instruction.

**HB 222**, relative to pooled risk management programs.

**HB 309**, increasing the time for a local legislative body to act on a proposed interim zoning regulation.

**HB 321**, correcting a reference to the American Podiatry Association.

**HB 331**, adopting the uniform foreign depositions law.

**HB 678**, relative to the expansion of veterans' home services.

The House of Representatives offered the following:

### HOUSE RESOLUTION NO. 21

memorializing State Representative Richard H. Krueger of Claremont

WHEREAS, it is with deep regret and with great sadness we have learned of the death of our legislative brother, The Honorable Richard H. Krueger, a man who easily did earn our admiration and who was known affectionately to us all as Dick, and

WHEREAS, having served first for the three bienniums between 1987 and 1992, and then again from 1995 until the present, Dick Krueger was in the midst of his fifth term as a dedicated member of the New Hampshire House, and

WHEREAS, throughout a legislative tenure characterized by his committedness, and attention to detail, Dick Krueger did sit as a distinguished and esteemed member of the Standing Committee on Commerce, and

WHEREAS, having been an amicable man blessed with an abundance of energy and civic pride, Dick Krueger did belong to numerous Associations and Fraternal Orders, and did serve the citizenry of Claremont in a myriad of ways including 13 years as a member of the School Board and 16 years as Administrative Volunteer to the Greater Claremont Chamber of Commerce, and

WHEREAS, having been born in Rochester, Dick Krueger was a native New Hampshire son who did graduate from Spaulding High School and in 1955 did receive his bachelors degree from Tufts University and in 1978 did receive his masters degree from Springfield College, and

WHEREAS, for twenty years, Dick Krueger honorably did serve as an officer and a gentleman in the United States Navy, retiring in 1973 as a ship's Commanding Officer with the rank of Commander, and

WHEREAS, Dick Krueger was an accumulator of friends and admirers, a man who daily did demonstrate great courage; a man who never rationed his energy nor sense of humor, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Representative Richard H. Krueger be saluted and granted the highest of accolades for his outstanding and dedicated service to his community, his state and his country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

### REMARKS

Rep. Lockwood moved that the remarks made by Rep. Burling be printed in the Journal. Adopted.

Rep. Burling: I would ask for just another minute's thought about Dick. I ask for the privilege of standing here and just saying a word as a Democrat and a member of the Sullivan County Delegation about a man that I really admired a great deal. Dick Krueger and I fought fights at the county level, at the local level and in here for 20 years over various issues. He was always the worthiest of opponents, the kindest of gentlemen and when it came time for the two of us to share lunch at Boccia's eatery in Claremont, we were the best of friends. I would like to say that yesterday you really had a chance when you sat in St. Joseph's Church to get a judgment about the caliber of the man. I don't know who said it, but the phrase, "you'll know me by my friends," - to look around the room and see the friends that gathered to say goodbye to Dick was an extraordinary experience. It was a privilege to serve with him. Those of us who served with him in Sullivan County will remember him as long as we have the benefit of memory. Thank you for your attention.

### COMMUNICION

April 2, 1997

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough 41, Daniel J. Healy, d, Manchester (366 Lake Ave.) 03103

William M. Gardner, Secretary of State

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 197-FN**, relative to the regulation of wetland scientists, removed by Rep. Mirski.

**HB 440-FN**, changing the legislative mileage formula, removed by Rep. Mirski.

**HB 578-FN-A-L**, providing for property tax relief and making an appropriation therefor, removed by Rep. Jacobson.

**HB 582-FN**, relative to medicaid rate setting, removed by Rep. Mirski.

**HB 616-FN**, relative to jury selection reforms, removed by Rep. Kurk.

**HB 734-FN**, requiring district courts to hold evening sessions, removed by Rep. Kurk.

**HB 744-FN**, relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval, and relative to the legal status of local river management advisory committees, removed by Rep. Kurk.

**SB 123**, relative to shellfish harvesting areas, removed by Rep. McGuirk.

Consent Calendar adopted.

**HB 151-FN-L**, establishing comprehensive medical, physical and psychological standards for law enforcement officers. **OUGHT TO PASS**

Rep. Margaret A. Lynch for Finance: This bill establishes state standards for law enforcement officers. In order to be certified the officer must meet these medical, physical, psychological and drug-free standards. This is not a 28-A mandate, as the cities and towns may, but are not required, to have their officers meet the standards. Vote 17-2.

**HB 196-FN**, providing for the regulation of horticultural growing media. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret A. Lynch for Finance: This bill, introduced at the request of the Commissioner of Agriculture Markets and Food, provides for the registration and inspection of horticultural growing media and establishes fees for registration and penalties for violations. This will ensure the truthfulness of labeling. The fees generated from registrations will offset the costs associated with registration and inspection of horticultural growing media. Vote 19-0.

#### **Amendment (0777h)**

Amend RSA 433-A:11, IV(c) as inserted by section 1 of the bill by replacing it with the following:

(c) It contains viable weed seed exceeding the amounts specified in RSA 433:4, I(d)-(e).

**HB 246**, making technical corrections to the business profits tax, interest and dividends tax, and the legacies and successions tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: The bill makes changes to eliminate inconsistencies, adjust filing dates, and clarify language at the request of the Department of Revenue Administration. The amendment extends the rate of the medicaid enhancement tax through the next biennium. Vote 18-2.

#### **Amendment (0867h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** making technical corrections to the business profits tax, interest and dividends tax, and the legacies and successions tax and setting the biennial rate of the medicaid enhancement tax at 6 percent.

Amend the bill by replacing all after section 5 with the following:

6 Rate of Tax for the Biennium Ending June 30, 1999. Notwithstanding the requirement in RSA 84-A:2 that the tax rate be set on or before April 1 preceding the first fiscal year of the biennium, the rate of tax for the period beginning July 1, 1997, and ending June 30, 1999, imposed under RSA 84-A:2 shall be 6 percent upon the gross patient services revenue of every hospital.

7 Effective Date.

I. Section 6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1997.

#### **AMENDED ANALYSIS**

This bill makes technical corrections to the business profits tax, interest and dividends tax, and the legacies and successions tax.

The bill also establishes the tax rate under the medicaid enhancement tax at 6 percent upon gross patient services revenue of every hospital for the biennium ending June 30, 1999.

**HB 268-FN**, relative to the powers of the Pease development authority. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert A. Johnson for Finance: The amendment, which replaces the bill, represents the consensus of all parties involved, including the City of Portsmouth, after the recent public benefit land transfer at Pease. The amendment establishes a liaison committee and requires the Pease Development Authority to share business inquiries with DRED. Vote 20-0.

**Amendment (0842h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the Pease development authority.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Liaison Committee Established. Amend RSA 12-G by inserting after section 4-a the following new section:

12-G:4-b Liaison Committee Established; Terms; Duties.

I. There is established a liaison committee to the authority. The committee shall consist of 2 house members, appointed by the speaker of the house, 2 senate members, appointed by the president of the senate, and the commissioner of the department of resources and economic development, or designee. The terms of the house and senate members of the board shall be coterminous with the biennial legislative term. The commissioner of the department of resources and economic development shall serve coterminous with the commissioner's term of office.

II. The committee may attend meetings of the board and shall be a liaison between the legislature and the authority.

2 New Section; Sharing Business Inquires With Department of Resources and Economic Development. Amend RSA 12-G by inserting after section 7-a the following new section:

12-G:7-b Sharing Business Inquires With Department of Resources and Economic Development. The authority shall share with the department of resources and economic development all business inquires the authority receives, provided that the inquiring party grants permission. The department shall treat all inquiries received from the authority with respect for confidentiality.

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill establishes a committee to be a liaison between the Pease development authority and the legislature. The bill also requires the authority to share business inquires with the department of resources and economic development if the inquiring party grants permission.

**HB 413**, expanding the authority of the commissioner of the department of transportation to use a certain appropriation to purchase airports. **OUGHT TO PASS WITH AMENDMENT**

Rep. Arthur P. Klemm, Jr. for Finance: This bill was originally voted Inexpedient to Legislate by a vote of 8-0 because the subject matter was already included in HB 25. In including the language in HB 25 sections two and three were accidentally left out. Therefore, a technical amendment was needed renumbering the sections of the bill and the committee supported the Ought to Pass motion. Vote 20-2.

**Amendment (0846h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the sale or transfer of airports by the state.

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

**AMENDED ANALYSIS**

This bill sets certain requirements relating to the subsequent sale or transfer of airports after purchase by the state.

**HB 457-FN**, requiring all state agencies, departments, and commissions in all 3 branches of government to have a presence on the New Hampshire automated information system by January 1, 1998, and designating the state library as the official repository of state government information. **OUGHT TO PASS**

Rep. Mary E. Brown for Finance: This bill requires all state agencies to have a web site, and designates the State Library as the official repository of state government information. The fiscal impact was estimated to be less than \$10,000. Vote 21-1.

**HB 488-FN**, relative to involuntary admission to the state hospital on an emergency basis. **OUGHT TO PASS**

Rep. Mary Jane Wallner for Finance: The Committee found that this bill has no fiscal impact on the state. Vote 20-0.

**HB 525-L**, relative to Braille instruction for functionally blind pupils. OUGHT TO PASS  
Rep. Paul J. Dwyer, Sr. for Finance: To function in today's society one must read and understand and be able to communicate. For the blind, Braille is an important tool to learn to read. The Department of Education determined that there is no fiscal impact. Vote 20-0.

**HB 572-FN**, relative to town, city, and county treasurers and to the state treasurer. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill is at the request of the state treasurer to bring the statutes up to date with the changes in bank ownership for depositories of town, county, city, school district and state funds. Also clarified are several items on abandoned property issues. Further, the bill outlines the procedure for unclaimed estate funds. There is a section on certificates of assessment against utilities with changes as to whom the certification is to be reported. There is a section on railroad taxes as to distribution. Vote 21-0.

#### Amendment (0764h)

Amend RSA 561:10, I as inserted by section 18 of the bill by replacing it with the following:

*I. Whenever, upon a decree of distribution or the settlement of the account of an administrator, executor or trustee, there shall be in his hands any sum of money in excess of [twenty-five dollars] \$50 belonging to any heir, legatee, beneficiary, creditor, or other person whose place of residence is unknown and cannot be found, or if such person shall refuse to accept or receipt for such sum after being tendered, the administrator, executor or trustee shall petition the probate court and the court, when satisfied that due diligence has been used to find the person entitled to such sum or that such sum has been tendered to and refused by such heir, legatee, beneficiary, creditor or other person entitled to the same, shall decree that the sum be paid over to the state treasurer, and such payment shall be a discharge of said administrator, executor or trustee. [Any person entitled to receive such sum may petition the probate court, at any time before the final disposition thereof under this chapter and payment to him shall be decreed, upon notice and hearing]. The state treasurer shall hold any such sums received in accordance with RSA 471-C.*

**HB 588-FN**, relative to certification of operators of solid waste plants, water treatment plants and wastewater treatment plants, and adding late renewal fees. OUGHT TO PASS

Rep. Arthur P. Klemm, Jr. for Finance: This bill was a request of the Department of Environmental Services. The bill allows certification of solid waste operators to be renewed annually as well as establishing a late fee if certification is not done in a timely manner. The bill also increases certification fees for water treatment operators as well as adding late renewal penalties for water treatment operators as well as wastewater treatment operators. Vote 21-2.

**HB 592-FN-A-L**, establishing an advisory council on brain and spinal cord injuries. OUGHT TO PASS

Rep. Frances L. Riley for Finance: This establishes a brain and spinal cord injury trust fund and an advisory council which supports injury prevention efforts to help meet the needs of individuals who would otherwise be dependent upon the public for their care and rehabilitation. There is no fiscal impact in this bill, although there may be some grants available. The bill allows the department to make rules, but no money is needed to do this. Vote 20-0.

**HB 598-FN**, relative to liens on aircraft for nonpayment of aircraft registration fees. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: Aircraft kept in New Hampshire by their owners are subject to an annual registration fee. The present non-compliance rate is unacceptable, and the collection method is lengthy and litigious. This bill allows a new mechanism, whereby a lien is placed on the aircraft, in an effort to increase compliance. Vote 20-0.

#### Amendment (0808h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

**HB 599-FN**, relative to youth access to tobacco products. OUGHT TO PASS

Rep. Mary Jane Wallner for Finance: The committee supports the important policy in this bill to limit youth access to tobacco. State revenues will increase by \$277,850 in 1998 and each year thereafter. Revenue increases are due to new license fees. Vote 20-0.

**HB 606-FN-L**, relative to procedures regarding children in need of services under RSA 169-D. RE-REFER TO COMMITTEE

Rep. W. Gordon Allen for Finance: This bill makes important refinements to the law on Children in Need of Services (CHINS) based on the recommendations of a blue ribbon task force; but because of a new estimate of the bill's costs presented by the Department of Health and Human Services which raised many questions and was far greater than what the Judiciary Committee projected, and because of the lack of an official fiscal note, we would like to have the bill re-referred to deal with these issues. Vote 20-0.

**HB 646-FN-A**, relative to eligibility for child day care services for persons receiving public assistance and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. W. Gordon Allen for Finance: This bill provides child care assistance to working families up to 185% of poverty, provided there are sufficient federal funds. This assistance is critical for these families to maintain their jobs, and to keep off welfare. Vote 20-0.

#### Amendment (0905h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to eligibility for child day care services for persons receiving public assistance.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Income Eligibility. Amend RSA 167:3-c by inserting after paragraph IX the following new paragraph:

X. Establishing the income eligibility limit for child day care services that make child care assistance available to families; provided, however, that the income eligibility limit shall be such that at least those families whose gross monthly income is 185 percent or less of the federal poverty guidelines, and who meet all other eligibility requirements, are eligible for child day care services.

2 Funding. Section 1 of this act shall be funded only if the necessary federal funds are available.

3 Effective Date. This act shall take effect January 1, 1998.

#### AMENDED ANALYSIS

This bill expands eligibility for public assistance for child care services by requiring that the income eligibility limit for child day care services that make child care assistance available to families shall be such that at least those families whose gross monthly income is 185 percent or less of the federal poverty guidelines, and who meet all other eligibility requirements, are eligible for child day care services.

**HB 658-FN-A**, ensuring that the division of safety services, department of safety receives its 1/2 share of unrefunded tolls for boat motor fuels as required by law and establishing a special fund therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill places half of the unrefunded road toll collected from boat and outboard motor fuels into a special navigation safety fund in the state treasurer's office to be used by the Department of Safety for the promotion of water safety. Vote 23-0.

#### Amendment (0800h)

Amend RSA 260:60 as inserted by section 2 of this act by replacing it with the following:

260:60 Exception. *Notwithstanding all other laws and rules to the contrary*, annually, on or before June 1, the road toll administrator shall compare the number of gallons on which refunds have been made for the preceding calendar year for motor fuel used in the propulsion of boats on inland public waters of the state, with the number of gallons of such motor fuel sold and delivered directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboards, based on the number of boats registered in the state at 100 gallons usage per boat, and if there is any balance of unrefunded tolls so collected, the administrator shall report the same to the state treasurer who shall, on July 1, next following, credit 1/2 of said balance to a *special navigation safety fund within the treasury, to be administered by the director* of the division of safety services, ~~having~~ *which has* jurisdiction over the navigation of such boats or motors, and credit 1/2 of said balance to the fish and game department. Funds

credited to the ~~[division of safety services]~~ *navigation safety fund* shall be used *by the division of safety services* for the promotion of the safety of navigation, and the funds credited to the fish and game department shall be used by said department to carry out its program and be accounted for as the fish and game fund is accounted for. Any balances in the funds hereby credited as above provided shall not lapse at the end of the fiscal year. *Any fund in the navigation safety fund, not otherwise appropriated, may be used by the division of safety services for the promotion of the safety of navigation upon request from the commissioner of safety to the governor and council with the prior approval of the legislative fiscal committee.* The department shall pay monthly to the state treasurer all revenue from the aircraft landing area toll.

**HB 686-FN-A**, relative to financing of child day care facilities and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Mary Jane Wallner for Finance: Since the original hearing, a number of ideas pertaining to funding of child care facilities have been suggested. Consequently, the sponsor asked the Finance Committee to re-refer this bill and the committee obliged. Vote 20-0.

**HB 717-FN-A**, relative to the taxation of venture capital firms under the business profits tax. RE-REFER TO COMMITTEE

Rep. Kenneth L. Weyler for Finance: The current New Hampshire tax structure makes it difficult for venture capitalists to operate here. This is especially disappointing when our state is number four in total patents of the fifty states. Even our state programs for venture capital funding must go through a Massachusetts firm. Department of Revenue Administration objected to three different amendments. The Committee needs further study to find a compromise. Vote 20-0.

**HB 724-FN**, allowing the office of reimbursements in the department of health and human services to set rates for the multiple DWI offender intervention detention center program. OUGHT TO PASS

Rep. Mary Jane Wallner for Finance: This bill provides for adjustment of rates to meet the expenses of the multiple DWI offender program. This is an important step in getting us closer to covering the cost of this program. Vote 20-0.

**HB 756-FN**, relative to the registration of alternative providers of mental health services. RE-REFER TO COMMITTEE

Rep. O. Alan Thulander for Finance: The committee feels that, while the intent of the initiative has merit, the definition of the providers to be covered was unclear; and further that the projected expense out-stripped the anticipated revenues. For these reasons, the bill should be re-referred for further consideration. Vote 20-0.

**HB 760-FN**, relative to OHRVs and OHRV registration fees. INEXPEDIENT TO LEGISLATE

Rep. Stephen T. DeStefano for Finance: The policy and funding in this bill was incorporated into HB 755. Vote 20-0.

**HB 765-FN**, establishing an osteoporosis prevention, education, and treatment program. OUGHT TO PASS WITH AMENDMENT

Rep. Sharon L. Nordgren for Finance: The Finance Committee agreed with the policy committee on the importance of this piece of legislation. It is also a priority with the National Governors' Association Spouses' Program. Osteoporosis is a preventable condition and although the Finance Committee removed the appropriation from this bill, the Department of Health and Human Services assures us that they will carry out the intent of the legislation. Vote 20-0.

#### **Amendment (0864h)**

Amend the bill by replacing section 4 with the following:

4 Costs. The startup costs and other costs for the osteoporosis prevention, education, and treatment program, established in section 2 of this act, shall be funded through any moneys collected under RSA 126-I:5 and any moneys available to the department of health and human services.

**HB 771-FN-L**, relative to hazardous waste operator permit application costs, adding an exemption to the hazardous waste cleanup fund fee, increasing grant awards made pursuant to the used oil collection center program, and relative to the automotive oil fee. OUGHT TO PASS

Rep. Margaret A. Lynch for Finance: This bill was requested by the Department of Environmental Services. It clarifies the costs charged an applicant for a hazardous waste operator permit, exempts certain cases from the fee, increases the grant awards available, amends the automotive oil fee in 1998 to \$.02 per gallon and provides for the continuation of a position funded by the fee. Vote 20-0.

**HB 781-FN**, relative to lucky 7 tickets and bingo games and requiring manufacturers and distributors of bingo supplies to be licensed. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Finance: This legislation legitimizes the operation of 7 organizations which hold bingo games outside of their communities. Further, it requires manufacturers and distributors of bingo supplies to be licensed and provides that lucky 7 tickets cannot be sold except within a charitable group's community or where bingo games are authorized. The amendment excuses current New Hampshire licensed manufacturers of lucky 7 tickets from paying additional licensing fees. Vote 20-0.

#### **Amendment (0817h)**

Amend the bill by replacing section 4 with the following:

4 New Section; Distributors and Manufacturers of Bingo Supplies and Equipment. Amend RSA 287-E by inserting after section 8 the following new section:

287-E:8-a Distributors and Manufacturers of Bingo Supplies and Equipment. The commission shall license distributors and manufacturers of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines sold, leased, or rented in this state. A distributor with a current New Hampshire license for distribution of lucky 7 tickets shall be authorized to distribute bingo paper supplies and electronic bingo player systems and lucky 7 vending machines, and shall not be required to file for licensing under this section. All bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines shall be purchased, leased, or rented from a licensed distributor and manufactured by a licensed manufacturer. A license shall be issued to a distributor or manufacturer under the following conditions, provided that the commission may, by rule, establish additional qualifications for licenses:

I. The applicant for a distributor's license shall pay to the commission an annual license or license renewal fee of \$10,000. Such fee shall authorize the distribution of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines within the state of New Hampshire and the warehousing of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines for subsequent sale out of state. A distributor with a current New Hampshire license for distribution of lucky 7 tickets shall not be required to pay the additional licensing fee under this section.

II. The applicant shall certify that neither the applicant nor any partner, officer, or director has been convicted of a felony, which has not been annulled by any court, within 10 years from the date of application.

III. Each licensee shall post a bond in the amount of \$50,000, conditioned upon the licensee's compliance with the rules of the commission. A distributor with a current New Hampshire license for distribution of lucky 7 tickets shall not be required to post the additional bond under this section.

IV. An applicant for a license as a distributor shall be a resident of this state whose principal place of business is within this state, and shall have been a resident of this state for at least 2 years immediately prior to the date of application.

V.(a) The commission shall issue a special license to manufacturers of bingo paper supplies, electronic bingo player systems, and lucky 7 vending machines leased, rented, or sold in the state. A manufacturer with a current New Hampshire license to manufacture lucky 7 tickets shall not be required to pay the additional licensing fee under this paragraph.

(b) The fee for such special license shall be \$5,000 per year or for any part of a year.

**HB 783-FN-A-L**, relative to funding vocational student organizations and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: The department has suggested that it will fund vocational student organizations (VSO) from its operating budget through June 30, 1998. This is an immediate response to the current needs of the VSO advisors. The department has indicated that it will, through the Vocational Education Task Force, prepare a legislative initiative which will include a long-term solution to funding VSO leadership. The proposal will allow for legislation to be introduced in the 1998 session. Vote 20-0.

**HB 785-FN**, relative to alcohol and drug abuse professionals. OUGHT TO PASS WITH AMENDMENT

Rep. Frances L. Riley for Finance: This bill adds alcohol and drug abuse professionals to the list of boards which are self-supporting, and allows these professionals to establish fees sufficient to produce estimated revenues equal to 125% of the direct operating expenses for the board. Vote 19-1.

#### **Amendment (0813h)**

Amend RSA 330-C:10 as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. The board shall establish application, renewal, and late fees for licensure under this chapter and fees for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses for the board for the previous fiscal year.

Amend RSA 330-C:14, II as inserted by section 1 of the bill by replacing it with the following:

II. The board may retain legal counsel, expert witnesses, special advisors, or other qualified persons to assist with any investigation or adjudicatory proceeding.

**HB 788-FN**, relative to the computation of penalties and interest in certain tax underpayment situations. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: This bill could reduce tax compliance and therefore tax collections by removing the interest and penalty aspects that encourage voluntary compliance with tax laws. If passed it would reduce general fund revenues by \$9.4 million in FY 1998 and each year thereafter. Vote 20-0.

**HJR 6**, requiring the joint legislative historical committee to acquire and cause to be displayed a portrait of suffragist Marilla Marks Ricker. OUGHT TO PASS WITH AMENDMENT

Rep. Mary E. Brown for Finance: This resolution as amended allows the joint historical committee to accept gifts and donations for the purpose of obtaining a portrait of Marilla Parks Ricker, and to oversee hanging it in the state house complex. No general fund monies are used for this project. Vote 19-1.

#### **Amendment (0782h)**

Amend the title of the resolution by replacing it with the following:

A RESOLUTION authorizing the joint legislative historical committee to acquire and cause to be displayed a portrait of suffragist Marilla Marks Ricker.

Amend the resolution by replacing all after the resolving clause with the following:

That the joint legislative historical committee is authorized to accept a gift of a portrait of Marilla Marks Ricker or financial donations or grants or other contributions that may be used to obtain a portrait of Marilla Marks Ricker; and

That the joint legislative historical committee may so obtain a portrait of Marilla Marks Ricker; and

That the joint legislative historical committee may oversee the hanging of the portrait of Marilla Marks Ricker in a place of honor in the state house complex befitting a heroine of historical stature in the granite state.

#### **AMENDED ANALYSIS**

This house joint resolution authorizes the joint legislative historical committee to acquire and hang in a prominent place in the state house complex a portrait of suffragist Marilla Marks Ricker, the first woman to vote in the United States, the first woman admitted to the New Hampshire bar, and the first woman to run for governor of New Hampshire.

**SB 4**, relative to patient information. OUGHT TO PASS WITH AMENDMENT

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: This bill fulfills a long standing need to inform patients in a thorough and timely fashion of their health status. The amendment contains a definition of "health care provider". Vote 17-0.

#### **Amendment (0785h)**

Amend the bill by replacing section 4 with the following:

4 Patient to be Fully Informed by Health Care Provider. RSA 151:21, IV is repealed and reenacted to read as follows:

IV. The patient shall be fully informed by a health care provider of his or her medical condition, health care needs and diagnostic test results, including the manner by which such results will be provided and the expected time interval between testing and receiving results, unless medically inadvisable and so documented in the medical record, and shall be given the opportunity to participate in the planning of his or her total care and medical treatment, to refuse treatment, and to be involved in experimental research upon the patient's written consent only. For the purposes of this paragraph "health care provider" means any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, including, but not limited to, a physician, hospital or other health care facility, dentist, nurse, optometrist, podiatrist, physical therapist or psychologist, and any officer, employee or agent of such provider acting in the course and scope of employment or agency related to or supportive of health care services.

Amend the bill by replacing section 11 with the following:

11 Health Care Provider's Records. Amend RSA 332-I:1 to read as follows:

332-I:1 Medical Records.

*I. The medical information contained in the medical records in the possession of any [medical] health care provider [~~licensed or registered under title XXX~~] shall be deemed to be the property of the patient. The patient shall be entitled to a copy of such records, for a reasonable cost, upon [his] request.*

*II. In this chapter, "health care provider" means any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, including, but not limited to, a physician, hospital or other health care facility, dentist, nurse, optometrist, podiatrist, physical therapist or psychologist, and any officer, employee or agent of such provider acting in the course and scope of employment or agency related to or supportive of health care services.*

**SB 133**, relative to the task force on perinatal chemical dependency. **OUGHT TO PASS**  
Rep. Robert Chabot for Health, Human Services and Elderly Affairs: This is a housekeeping bill. It enumerates the membership and term of the participants. It also changes the name of the task force to the perinatal, alcohol, tobacco and other drug use task force. Vote 12-0.

**SB 163**, relative to the Uniform Anatomical Gift Act. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Peter Batula for Health, Human Services and Elderly Affairs: After considerable discussion the majority was convinced that this bill provides uniformity with other states with reference to organ or tissue donations. It makes donating and transplanting easier for donors, donees, physicians, hospitals and procurement organizations. The committee was satisfied that enough safeguards are in place with this bill. There is no fiscal impact. Vote 14-1.

#### **Amendment (0891h)**

Amend RSA 291-A:2, XI as inserted by section 1 of the bill by replacing it with the following:

XI. "Procurement organization" means a person licensed, accredited, or approved under any state or federal law for procurement, distribution, or storage of human bodies or parts.

Amend RSA 291-A:4, I as inserted by section 1 of the bill by replacing it with the following:

I. Any member of the following classes of persons, in the order of priority listed, may make an anatomical gift of all or a part of the decedent's body for an authorized purpose, unless the decedent, at the time of death, has made an unrevoked refusal to make that anatomical gift:

- (a) The spouse of the decedent.
- (b) An adult son or daughter of the decedent.
- (c) A parent of the decedent.
- (d) An adult brother or sister of the decedent.
- (e) A grandparent of the decedent.
- (f) A guardian of the person of the decedent at the time of death.
- (g) A designated agent under the durable power of attorney for health care, pursuant to RSA

137-J.

- (h) Other persons authorized or under obligation to dispose of the body.

Amend RSA 291-A:6, I and II as inserted by section 1 of the bill by replacing them with the following:

I. On or before admission to a hospital, or as soon as possible thereafter, a person designated by the hospital shall offer patients the opportunity to provide to the hospital a copy of any document of gift. The hospital shall also have available information about organ and tissue donation.

II. If, at or near the time of death of a patient, there is no medical record that the patient has made or refused to make an anatomical gift, a person designated by the hospital, which may include a procurement organization representative, shall, unless the attending physician determines otherwise, discuss the option to make or refuse to make an anatomical gift and request the making of an anatomical gift pursuant to RSA 291-A:4, I. The request shall be made with reasonable discretion and sensitivity to the circumstances of the family. A request is not required if the gift is not suitable, based upon accepted medical standards, for a purpose specified in RSA 291-A:7. An entry shall be made in the medical record of the patient, stating the name and affiliation of the individual making the request, and of the name, response, and relationship to the patient of the person to whom the request was made. The commissioner of health and human services, in consultation with procurement organizations, and the New Hampshire Hospital Association, shall adopt rules, under RSA 541-A, to implement this paragraph.

Amend RSA 291-A:9, III as inserted by section 1 of the bill by replacing it with the following:

III. If there has been an anatomical gift, an appropriate physician or surgeon may remove any donated parts and an enucleator may remove any donated eyes or parts of eyes, after determination of death by a physician or surgeon. If there has been an anatomical gift, the donated parts may be removed after determination of death, by a person other than a physician or surgeon who attended the donor at death or determined the time of death.

Amend RSA 291-A:11, I as inserted by section 1 of the bill by replacing it with the following:

I. A person may not knowingly, for valuable consideration, purchase or sell a part for any purpose, regardless of whether removal of the part is intended to occur after the death of the donor, or at the request of a living donor.

Amend RSA 291-A:12, III as inserted by section 1 of the bill by replacing it with the following:

III. A hospital, physician, surgeon, medical examiner, funeral director, enucleator, procurement organization, or person acting on behalf of one of the preceding, who acts in accordance with this chapter or with the applicable anatomical gift law of another state or attempts in good faith to do so, is not liable for that act in a civil action or criminal proceeding.

Amend RSA 291-A:14 as inserted by section 1 of the bill by replacing it with the following:

291-A:14 Release of Corneas for Transplantation; Liability.

I. Upon request of a procurement organization, the chief medical examiner, or designee, may release the cornea of a decedent to a procurement organization under the following conditions:

(a) The body of the decedent is under the jurisdiction of the chief medical examiner, in accordance with RSA 611 or RSA 611-A.

(b) A period of one hour has elapsed after the chief medical examiner, or designee, has notified such procurement organization and the procurement organization has received notification that the cornea of the decedent is available for transplant, and during such period the procurement organization has made a good faith effort to notify decedent's spouse or next of kin that a transplant is proposed.

(c) No objections to the donation were made known by the decedent prior to his death or by the decedent's spouse or next of kin or by an agent of the decedent to the chief medical examiner or designee.

(d) The removal of the cornea for transplant will not alter the decedent's facial appearance.

II. A log, available at the procurement organization, shall contain the time of the notification by the chief medical examiner, or designee.

III. No medical examiner, physician, or procurement organization, acting under the provisions of this section, shall be liable in any criminal or civil action brought as a result of a release of the decedent's cornea if a good faith effort was made to notify decedent's spouse or next of kin of such transplant.

**HB 52**, authorizing the assignment of superior court judges to hear cases in the district court.  
**OUGHT TO PASS**

Rep. John J. McCarthy, Jr. for Judiciary and Family Law: This bill authorizes the Chief Justice of the Supreme Court, after assessing caseload needs and consulting with the administrative judges, to assign any superior court judge to hear cases in the district court. Vote 13-1.

## REGULAR CALENDAR

**CACR 21**, relating to a balanced budget. Providing that the governor be prohibited from proposing and the general court be prohibited from approving, an operating budget in which expenditures exceed estimated revenue. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary E. Brown for Finance: This CACR amends the second part of the Constitution by inserting after 6-b two statements. The first provides that the governor propose, and that the general court approve, an operating budget where expenditures do not exceed estimated revenues. The second part allows for long-term indebtedness to pay for "catastrophic" conditions, as certified by the governor and general court. Vote 11-9.

### Amendment (0829h)

Amend the resolution by replacing all after the resolving clause with the following:

I. That the second part of the constitution be amended by inserting after article 6-b the following new article:

[Art.] 6-c [Expenditure Limitation.]

I. The governor shall not propose, and the general court shall not approve, an operating budget which provides expenditures which exceed the estimated revenue from taxes, fees, and other operating income.

II. The governor and the general court shall not approve any long-term indebtedness for operating expenditures, except during a catastrophic emergency certified as such by the governor and the general court.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1998.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1998 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1997 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending the constitution to prohibit the governor from proposing, and the general court from approving, an operating budget in which expenditures exceed estimated revenue?

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1997 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

Rep. Kurk spoke against.

The amendment failed.

The report failed.

Rep. Kurk moved Re-refer to Committee.

Adopted.

**HB 51-FN-A**, extending the temporary tax rates of the meals and rooms tax, communications services tax, and real estate transfer tax through the biennium ending June 30, 1999. **OUGHT TO PASS**  
Rep. Kenneth L. Weyler for Finance: Temporary rates for rooms and meals, communications service and real estate transfer taxes are continued through FY 99. As desirable as returning to the permanent rate may be, there is no source of revenue available to replace the revenue amount that would be lost. A new tax would be required, and that was less acceptable. Vote 20-0.

Rep. Mirski spoke against.

Rep. Mirski requested that the question be divided. The Speaker ruled the question was divisible. The question now being the adoption of Sec. 1, the meals and rooms tax.

Reps. Vaughn and Weyler spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

**YEAS 287 NAYS 65****YEAS 287****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Salatiello, Thomas  
Ziegra, Alice

Boriso, Thomas  
Lawton, Robert  
Thomas, John

Clark, Charles  
Pilliod, James  
Turner, Robert

Golden, Paul  
Rosen, Ralph  
Veazey, John

**CARROLL**

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L. Randy

Foster, Robert  
MacDonald, Kenneth

Howard, Godfrey  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Manning, Joseph  
Metzger, Katherine  
Royce, H. Charles  
Vogl, John

Bonneau, Sarah  
Hunt, John  
McGuirk, Paul  
Pratt, Irene  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
McNamara, Wanda  
Richardson, Barbara  
Smith, Edwin

Champagne, Richard  
Lynott, Margaret  
Meador, David  
Riley, William  
Steere, Myron, III

**COOS**

Bradley, Paula  
Guay, Lawrence  
Moynihan, Wayne

Coulombe, Henry  
Horton, Lynn  
Pratt, Leighton

Coulombe, Yvonne  
Mears, Edgar  
St. Hilaire, Paul

Davis, Perley  
Merrill, Gerald  
Tholl, John, Jr.

**GRAFTON**

Alger, John  
Chase, Paul, Jr.  
Guest, Robert  
MacNeil, Allen  
Williams, William, Jr.

Almy, Susan  
Copenhaver, Marion  
Hill, Richard  
Nordgren, Sharon

Below, Clifton  
Eaton, Stephanie  
LaMott, Paul  
Teschner, Douglass

Brown, Channing  
Guaraldi, Lawrence  
Luker, Elsa  
Trelfa, Richard

**HILLSBOROUGH**

Allen, W. Gordon  
Bernier, Shannon  
Calawa, Leon, Jr.  
Clay, Susan  
Daigle, Robert  
Durham, Susan  
Fenton, James  
Foster, Linda  
Golding, William  
Haley, Robert  
Holley, Sylvia  
Kelley, Robert  
Lefebvre, Roland  
Lynde, Harold  
McCarty, Winston  
Messier, Irene  
O'Rourke, Thomas  
Sargent, Maxwell  
Welch, Donald  
Wright, George

Alukonis, David  
Boutin, David  
Cardin, Lori  
Clemons, Jane  
Daniels, Gary  
Dwyer, Paul, Sr.  
Fields, Dennis  
Franks, Suzan  
Gosselin, Gerald  
Hall, Betty  
Hunter, Bruce  
Kurk, Neal  
Leonard, Peter  
MacAuslan, Rita  
McRae, Karen  
Milligan, Robert  
Pepino, Leo  
Searles, Stanley, Sr.  
Wheeler, Robert

Ameen, W.  
Brundige, Robert  
Carney, Lauren  
Cote, David  
Dawe, Eileen  
Dyer, Merton  
Flora, Kathleen  
Gage, Ruth  
Goulet, Maurice  
Hansen, Herbert  
Jean, Claudette  
L'Heureux, Robert  
Lessard, Rudy  
MacIntyre, Doris  
Melcher, Harold  
Mittelman, David  
Peterson, Andrew  
Thulander, O. Alan  
White, Donald

Baroody, Benjamin  
Burke, M. Virginia  
Christiansen, Lars  
Cote, Peter  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Joseph  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Holden, Carol  
Johnson, Lionel  
LaRose, Richard  
Lozeau, Donnalee  
McCarthy, William  
Mercer, Robert  
Murphy, Robert  
Piteri, Dawn  
Turgeon, Roland  
White, Jay

**MERRIMACK**

|                    |                    |                    |                   |
|--------------------|--------------------|--------------------|-------------------|
| Anderson, Eric     | Brown, Mary        | Burney, Carol      | Chandler, Earle   |
| Crosby, Toni       | Daneault, Gabriel  | DeStefano, Stephen | Dunn, Miriam      |
| Feuerstein, Martin | Fraser, Marilyn    | French, Barbara    | Gile, Mary        |
| Hess, David        | Hoadley, Elizabeth | Jacobson, Alf      | Lamach, Bernard   |
| Langer, Ray        | Leber, William     | Lockwood, Robert   | Marshall, Kenneth |
| Moore, Carol       | Morrill, Olive     | Nichols, Avis      | Owen, Derek       |
| Pfaff, Terence     | Reardon, Tara      | Seldin, Gloria     | St. Cyr, Gerard   |
| Wallin, Jean       | Wallner, Mary Jane | Whalley, Michael   | Whittemore, James |
| Yeaton, Charles    |                    |                    |                   |

**ROCKINGHAM**

|                      |                       |                     |                          |
|----------------------|-----------------------|---------------------|--------------------------|
| Abbott, Dennis       | Aranda, M. Kathryn    | Arndt, Janet        | Battles-Peirce, Marjorie |
| Beaulieu, Jon        | Belanger, Ronald      | Bishop, Franklin    | Blanchard, MaryAnn       |
| Case, Margaret       | Christie, Andrew, Jr. | Clark, Martha       | Coes, Betsy              |
| Cooney, Richard      | Dearborn, Bruce       | Dodge, Robert       | Dowd, Sandra             |
| Dowling, Patricia    | Downing, Michael      | Dube, LeRoy         | Dunham, Vivian           |
| Felch, Charles, Sr.  | Fesh, Robert          | Flanagan, Natalie   | Flanders, John, Sr.      |
| Francoeur, Sheila    | Frechette, Joseph     | Gleason, John       | Guthrie, Joseph          |
| Heath, John          | Henderson, Warren     | Hutchinson, Rebecca | Johnson, Robert          |
| Katsakiores, George  | Katsakiores, Phyllis  | Kelley, Jane        | Klemm, Arthur, Jr.       |
| Langley, Jane        | Langone, John         | Letourneau, Robert  | Major, Norman            |
| Malcolm, Kenneth     | McCarthy, John, Jr.   | McGovern, Cynthia   | McKinney, Betsy          |
| Micklon, Stephanie   | Millard, Ralph        | Moore, Benjamin     | Norelli, Terie           |
| O'Keefe, Patricia    | Packard, Sherman      | Raynowska, Bernard  | Sabella, Norma           |
| Schanda, Frank       | Simmons, John Anthony | Stickney, Nancy     | Stone, Joseph            |
| Stritch, C. Donald   | Syracusa, Anthony     | Tufts, J. Arthur    | Vaughn, Charles          |
| Weatherspoon, Jackie | Welch, David          | Weyler, Kenneth     | Woods, Deborah           |

**STRAFFORD**

|                  |                   |                    |                  |
|------------------|-------------------|--------------------|------------------|
| Brennan, William | Brown, George     | Brown, Julie       | Callaghan, Frank |
| DeChane, Marlene | Dunlap, Patricia  | Estabrook, Iris    | Grassie, Anne    |
| Hemon, Roland    | Hilliard, Dana    | Kaen, Naida        | Keans, Sandra    |
| Knowles, William | McKinley, Robert  | Merrill, Amanda    | Merritt, Deborah |
| Musler, George   | Pelletier, Arthur | Rogers, Rose Marie | Rollo, Michael   |
| Smith, Marjorie  | Snyder, Clair     | Spear, Barbara     | Sullivan, Henry  |
| Taylor, Kathleen | Torr, Ann         | Torr, Franklin     | Twardus, Joseph  |
| Vachon, Dennis   | Vincent, Francis  | Wall, Janet        |                  |

**SULLIVAN**

|                  |                    |                 |                  |
|------------------|--------------------|-----------------|------------------|
| Allison, David   | Burling, Peter     | Cloutier, John  | Donovan, Thomas  |
| Ferland, Brenda  | Flint, Gordon      | Lindblade, Eric | Palmer, Lorraine |
| Schotanus, Merle | Wiggins, Celestine |                 |                  |

**NAYS 65****BELKNAP**

|                   |              |                |               |
|-------------------|--------------|----------------|---------------|
| Boyce, Robert     | Hurt, George | Lafiam, Robert | Lawton, David |
| Rice, Thomas, Jr. |              |                |               |

**CARROLL**

|                    |                        |
|--------------------|------------------------|
| Babson, David, Jr. | Dickinson, Howard, Jr. |
|--------------------|------------------------|

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

|              |               |              |                  |
|--------------|---------------|--------------|------------------|
| Akins, Ralph | Hinman, Harry | Mirski, Paul | Phinney, William |
| Root, John   | Weber, Phil   |              |                  |

**HILLSBOROUGH**

|                     |                     |                       |                       |
|---------------------|---------------------|-----------------------|-----------------------|
| Arnold, Thomas, Jr. | Barry, William, III | Batula, Peter         | Bergin, Peter         |
| Buckley, Raymond    | Clegg, Robert, Jr.  | Dokmo, Cynthia        | Hart, Nick            |
| Herman, Keith       | Holt, David         | Jean, Loren           | Leishman, Peter       |
| Letendre, Evelyn    | Luebker, Bernard    | MacGillivray, Jeffrey | Marcinkowski, Michael |
| Martin, Mary        | McGough, Tim        | Murch, George         | Perkins, Paul         |
| Riley, Frances      | Vaillancourt, Steve |                       |                       |

**MERRIMACK**

|                |                   |                 |                 |
|----------------|-------------------|-----------------|-----------------|
| Adams, Stephen | Colburn, Kathleen | Colburn, Thomas | Larrabee, David |
| Lavoie, Gerard | Maxfield, Roy     |                 |                 |

**ROCKINGHAM**

|                 |                  |                 |                |
|-----------------|------------------|-----------------|----------------|
| Camm, Kevin     | Cegelis, Mark    | Cushing, Robert | Dolan, Richard |
| Flanders, David | Gibbons, Paul    | Griffin, Mary   | Kobel, Rudolph |
| Lovejoy, Marian | Mikowski, Walter | Morris, Debbie  | Nowe, Ronald   |
| Noyes, Richard  | Reardon, Neil    | Rubin, George   | Smith, Kevin   |
| Varrell, Thomas | Verani, Giovanni |                 |                |

**STRAFFORD**

|                 |                      |                 |
|-----------------|----------------------|-----------------|
| Bickford, David | McCann, William, Jr. | Tsiros, William |
|-----------------|----------------------|-----------------|

**SULLIVAN**

|               |               |                |
|---------------|---------------|----------------|
| Adler, Rudolf | Kibbey, David | Leone, Richard |
|---------------|---------------|----------------|

and Sec. 1, the meals and rooms tax was adopted.

Reps. Cooper and Patricia Krueger declared conflicts of interest and did not participate.

The question now being the adoption of Sec. 2, the communications services tax.

Rep. Mirski requested a roll call; sufficiently seconded.

**YEAS 282 NAYS 71****YEAS 282****BELKNAP**

|                   |                |                    |                |
|-------------------|----------------|--------------------|----------------|
| Bartlett, Gordon  | Boriso, Thomas | Clark, Charles     | Golden, Paul   |
| Holbrook, Robert  | Laflam, Robert | Lawton, Robert     | Pilliod, James |
| Rice, Thomas, Jr. | Rosen, Ralph   | Salatiello, Thomas | Thomas, John   |
| Turner, Robert    | Veazey, John   | Ziegler, Alice     |                |

**CARROLL**

|                 |                   |                 |                    |
|-----------------|-------------------|-----------------|--------------------|
| Bradley, Jeb    | Chandler, Gene    | Cooper, Kipp    | Foster, Robert     |
| Howard, Godfrey | Kenney, Joseph    | Lyman, L. Randy | MacDonald, Kenneth |
| Patten, Betsey  | Philbrick, Donald |                 |                    |

**CHESHIRE**

|                    |                |                     |                    |
|--------------------|----------------|---------------------|--------------------|
| Avery, Stephen     | Bonneau, Sarah | Burnham, Daniel     | Champagne, Richard |
| DePecol, Benjamin  | Hunt, John     | Lynch, Margaret     | Lynott, Margaret   |
| Manning, Joseph    | McGuirk, Paul  | McNamara, Wanda     | Meador, David      |
| Metzger, Katherine | Pratt, Irene   | Richardson, Barbara | Royce, H. Charles  |
| Russell, Ronald    | Smith, Edwin   | Steere, Myron, III  | Vogl, John         |

**COOS**

|                 |                 |                   |                  |
|-----------------|-----------------|-------------------|------------------|
| Bradley, Paula  | Coulombe, Henry | Coulombe, Yvonne  | Davis, Perley    |
| Guay, Lawrence  | Horton, Lynn    | Mears, Edgar      | Merrill, Gerald  |
| Moynihan, Wayne | Pratt, Leighton | St. Hilaire, Paul | Tholl, John, Jr. |

**GRAFTON**

|                        |                    |                    |                    |
|------------------------|--------------------|--------------------|--------------------|
| Alger, John            | Almy, Susan        | Below, Clifton     | Brown, Channing    |
| Chase, Paul, Jr.       | Copenhaver, Marion | Eaton, Stephanie   | Guaraldi, Lawrence |
| Guest, Robert          | Hill, Richard      | LaMott, Paul       | Luker, Elsa        |
| MacNeil, Allen         | Nordgren, Sharon   | Teschner, Douglass | Trelfa, Richard    |
| Williams, William, Jr. |                    |                    |                    |

**HILLSBOROUGH**

|                       |                        |                    |                   |
|-----------------------|------------------------|--------------------|-------------------|
| Allen, W. Gordon      | Alukonis, David        | Ameen, W.          | Baroody, Benjamin |
| Bernier, Shannon      | Brundige, Robert       | Burke, M. Virginia | Calawa, Leon, Jr. |
| Cardin, Lori          | Carney, Lauren         | Christiansen, Lars | Clay, Susan       |
| Clemons, Jane         | Cote, David            | Cote, Peter        | Daigle, Robert    |
| Daniels, Gary         | Dawe, Eileen           | Durham, Susan      | Dwyer, Paul, Sr.  |
| Dyer, Merton          | Emerton, Lawrence, Sr. | Fields, Dennis     | Flora, Kathleen   |
| Foster, Linda         | Franks, Suzan          | Gage, Ruth         | Gagnon, Eugene    |
| Golding, William      | Gosselin, Gerald       | Goulet, Maurice    | Haley, Robert     |
| Hall, Betty           | Hansen, Herbert        | Holden, Carol      | Holley, Sylvia    |
| Hunter, Bruce         | Jean, Claudette        | Johnson, Lionel    | Kelley, Robert    |
| Kurk, Neal            | L'Heureux, Robert      | LaRose, Richard    | Lefebvre, Roland  |
| Leonard, Peter        | Lessard, Rudy          | Letendre, Evelyn   | Lozeau, Donnalee  |
| Lynde, Harold         | MacAuslan, Rita        | MacIntyre, Doris   | McCarthy, William |
| McCarty, Winston      | McRae, Karen           | Melcher, Harold    | Mercer, Robert    |
| Milligan, Robert      | Mittelman, David       | Murphy, Robert     | O'Rourke, Thomas  |
| Pepino, Leo           | Peterson, Andrew       | Piterni, Dawn      | Sargent, Maxwell  |
| Searles, Stanley, Sr. | Thulander, O. Alan     | Turgeon, Roland    | Welch, Donald     |
| Wheeler, Robert       | White, Donald          | White, Jay         |                   |

**MERRIMACK**

|                    |                   |                    |                 |
|--------------------|-------------------|--------------------|-----------------|
| Anderson, Eric     | Brown, Mary       | Burney, Carol      | Chandler, Earle |
| Crosby, Toni       | Daneault, Gabriel | DeStefano, Stephen | Dunn, Miriam    |
| Feuerstein, Martin | Fraser, Marilyn   | French, Barbara    | Gile, Mary      |
| Hess, David        | Jacobson, Alf     | Krueger, Patricia  | Langer, Ray     |
| Leber, William     | Lockwood, Robert  | Marshall, Kenneth  | Moore, Carol    |
| Morrill, Olive     | Nichols, Avis     | Owen, Derek        | Pfaff, Terence  |
| Reardon, Tara      | Seldin, Gloria    | St. Cyr, Gerard    | Wallin, Jean    |
| Wallner, Mary Jane | Whalley, Michael  | Whittemore, James  | Yeaton, Charles |

**ROCKINGHAM**

|                      |                          |                     |                       |
|----------------------|--------------------------|---------------------|-----------------------|
| Arndt, Janet         | Battles-Peirce, Marjorie | Beaulieu, Jon       | Belanger, Ronald      |
| Bishop, Franklin     | Blanchard, MaryAnn       | Case, Margaret      | Christie, Andrew, Jr. |
| Clark, Martha        | Coes, Betsy              | Cooney, Richard     | Cushing, Robert       |
| Dearborn, Bruce      | Dodge, Robert            | Dolan, Richard      | Dowd, Sandra          |
| Dowling, Patricia    | Downing, Michael         | Dube, LeRoy         | Dunham, Vivian        |
| Felch, Charles, Sr.  | Flanagan, Natalie        | Flanders, John, Sr. | Francoeur, Sheila     |
| Frechette, Joseph    | Gleason, John            | Griffin, Mary       | Guthrie, Joseph       |
| Heath, John          | Henderson, Warren        | Hutchinson, Rebecca | Johnson, Robert       |
| Katsakiores, George  | Katsakiores, Phyllis     | Kelley, Jane        | Klemm, Arthur, Jr.    |
| Langley, Jane        | Langone, John            | Letourneau, Robert  | Major, Norman         |
| Malcolm, Kenneth     | McCarthy, John, Jr.      | McGovern, Cynthia   | Micklon, Stephanie    |
| Millard, Ralph       | Moore, Benjamin          | Norelli, Terie      | Noyes, Richard        |
| O'Keefe, Patricia    | Packard, Sherman         | Raynowska, Bernard  | Sabella, Norma        |
| Schanda, Frank       | Simmons, John Anthony    | Stickney, Nancy     | Stone, Joseph         |
| Stritch, C. Donald   | Syracusa, Anthony        | Tufts, J. Arthur    | Vaughn, Charles       |
| Weatherspoon, Jackie | Welch, David             | Weyler, Kenneth     | Woods, Deborah        |

**STRAFFORD**

|                  |                   |                    |                  |
|------------------|-------------------|--------------------|------------------|
| Brennan, William | Brown, George     | Brown, Julie       | Callaghan, Frank |
| DeChane, Marlene | Dunlap, Patricia  | Estabrook, Iris    | Grassie, Anne    |
| Hemon, Roland    | Hilliard, Dana    | Kaen, Naida        | Keans, Sandra    |
| Knowles, William | McKinley, Robert  | Merrill, Amanda    | Merritt, Deborah |
| Musler, George   | Pelletier, Arthur | Rogers, Rose Marie | Rollo, Michael   |
| Smith, Marjorie  | Snyder, Clair     | Spear, Barbara     | Sullivan, Henry  |
| Taylor, Kathleen | Torr, Ann         | Torr, Franklin     | Twardus, Joseph  |
| Vachon, Dennis   | Vincent, Francis  | Wall, Janet        |                  |

**SULLIVAN**

|                  |                    |                 |                  |
|------------------|--------------------|-----------------|------------------|
| Allison, David   | Burling, Peter     | Cloutier, John  | Donovan, Thomas  |
| Ferland, Brenda  | Flint, Gordon      | Lindblade, Eric | Palmer, Lorraine |
| Scholatus, Merle | Wiggins, Celestine |                 |                  |

**NAYS 71****BELKNAP**

|               |              |               |
|---------------|--------------|---------------|
| Boyce, Robert | Hurt, George | Lawton, David |
|---------------|--------------|---------------|

**CARROLL**

|                    |                        |
|--------------------|------------------------|
| Babson, David, Jr. | Dickinson, Howard, Jr. |
|--------------------|------------------------|

**CHESHIRE**

Riley, William

**COOS**

None

**GRAFTON**

|              |               |              |                  |
|--------------|---------------|--------------|------------------|
| Akins, Ralph | Hinman, Harry | Mirski, Paul | Phinney, William |
| Root, John   | Weber, Phil   |              |                  |

**HILLSBOROUGH**

|                         |                       |                            |                 |
|-------------------------|-----------------------|----------------------------|-----------------|
| Arnold, Thomas, Jr.     | Barry, William, III   | Batula, Peter              | Bergin, Peter   |
| Boutin, David           | Buckley, Raymond      | Clegg, Robert, Jr.         | Dokmo, Cynthia  |
| Drabinowicz, A. Theresa | Foster, Joseph        | Haettenschwiller, Alphonse | Hart, Nick      |
| Herman, Keith           | Holt, David           | Jean, Loren                | Leishman, Peter |
| Luebker, Bernard        | MacGillivray, Jeffrey | Marcinkowski, Michael      | Martin, Mary    |
| McGough, Tim            | Messier, Irene        | Murch, George              | Perkins, Paul   |
| Riley, Frances          | Vaillancourt, Steve   | Wright, George             |                 |

**MERRIMACK**

|                 |                   |                 |                    |
|-----------------|-------------------|-----------------|--------------------|
| Adams, Stephen  | Colburn, Kathleen | Colburn, Thomas | Hoadley, Elizabeth |
| Lamach, Bernard | Larrabee, David   | Lavoie, Gerard  | Maxfield, Roy      |

**ROCKINGHAM**

|                 |                    |                  |                |
|-----------------|--------------------|------------------|----------------|
| Abbott, Dennis  | Aranda, M. Kathryn | Camm, Kevin      | Cegelis, Mark  |
| Fesh, Robert    | Flanders, David    | Gibbons, Paul    | Kobel, Rudolph |
| Lovejoy, Marian | McKinney, Betsy    | Mikowski, Walter | Morris, Debbie |
| Nowe, Ronald    | Reardon, Neil      | Rubin, George    | Smith, Kevin   |
| Varrell, Thomas | Verani, Giovanni   |                  |                |

**STRAFFORD**

|                 |                      |                 |
|-----------------|----------------------|-----------------|
| Bickford, David | McCann, William, Jr. | Tsiros, William |
|-----------------|----------------------|-----------------|

**SULLIVAN**

|               |               |                |
|---------------|---------------|----------------|
| Adler, Rudolf | Kibbey, David | Leone, Richard |
|---------------|---------------|----------------|

and Sec. 2, the communications services tax was adopted.

Rep. Fenton declared a conflict of interest and did not participate.

The question now being the adoption of Sec. 3, the real estate transfer tax.

Rep. Mirski requested a roll call; sufficiently seconded.

**YEAS 279 NAYS 75****YEAS 279****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas, Jr.  
Turner, Robert

Boriso, Thomas  
Laflam, Robert  
Rosen, Ralph  
Veazey, John

Clark, Charles  
Lawton, Robert  
Salatiello, Thomas  
Ziegra, Alice

Golden, Paul  
Pilliod, James  
Thomas, John

**CARROLL**

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

Foster, Robert  
MacDonald, Kenneth

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Manning, Joseph  
Metzger, Katherine  
Russell, Ronald

Bonneau, Sarah  
Hunt, John  
McGuirk, Paul  
Pratt, Irene  
Smith, Edwin

Burnham, Daniel  
Lynch, Margaret  
McNamara, Wanda  
Richardson, Barbara  
Steere, Myron, III

Champagne, Richard  
Lynott, Margaret  
Meador, David  
Royce, H. Charles  
Vogl, John

**COOS**

Bradley, Paula  
Horton, Lynn  
Pratt, Leighton

Coulombe, Henry  
Mears, Edgar  
St. Hilaire, Paul

Davis, Perley  
Merrill, Gerald  
Tholl, John, Jr.

Guay, Lawrence  
Moynihan, Wayne

**GRAFTON**

Alger, John  
Chase, Paul, Jr.  
Guest, Robert  
MacNeil, Allen  
Williams, William, Jr.

Almy, Susan  
Copenhaver, Marion  
Hill, Richard  
Nordgren, Sharon

Below, Clifton  
Eaton, Stephanie  
LaMott, Paul  
Teschner, Douglass

Brown, Channing  
Guaraldi, Lawrence  
Luker, Elsa  
Trelfa, Richard

**HILLSBOROUGH**

Allen, W. Gordon  
Boutin, David  
Cardin, Lori  
Clemons, Jane  
Daniels, Gary  
Dyer, Merton  
Flora, Kathleen  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Holden, Carol  
Johnson, Lionel  
LaRose, Richard  
Lozeau, DonnaLee  
McCarthy, William  
Mercer, Robert  
Murphy, Robert  
Piteri, Dawn  
Turgeon, Roland

Alukonis, David  
Brundige, Robert  
Carney, Lauren  
Cote, David  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Foster, Linda  
Golding, William  
Haley, Robert  
Holley, Sylvia  
Kelley, Robert  
Lefebvre, Roland  
Lynde, Harold  
McCarty, Winston  
Messier, Irene  
O'Rourke, Thomas  
Sargent, Maxwell  
Welch, Donald

Ameen, W.  
Burke, M. Virginia  
Christiansen, Lars  
Cote, Peter  
Durham, Susan  
Fenton, James  
Franks, Suzan  
Gosselin, Gerald  
Hall, Betty  
Hunter, Bruce  
Kurk, Neal  
Leonard, Peter  
MacAuslan, Rita  
McRae, Karen  
Milligan, Robert  
Pepino, Leo  
Searles, Stanley, Sr.  
Wheeler, Robert

Bernier, Shannon  
Calawa, Leon, Jr.  
Clay, Susan  
Daigle, Robert  
Dwyer, Paul, Sr.  
Fields, Dennis  
Gage, Ruth  
Goulet, Maurice  
Hansen, Herbert  
Jean, Claudette  
L'Heureux, Robert  
Letendre, Evelyn  
MacIntyre, Doris  
Melcher, Harold  
Mittelman, David  
Peterson, Andrew  
Thulander, O. Alan  
White, Jay

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
Feuerstein, Martin

Brown, Mary  
Daneault, Gabriel  
Fraser, Marilyn

Burney, Carol  
DeStefano, Stephen  
French, Barbara

Chandler, Earle  
Dunn, Miriam  
Gile, Mary

Hess, David  
Langer, Ray  
Nichols, Avis  
Seldin, Gloria  
Whalley, Michael

Jacobson, Alf  
Leber, William  
Owen, Derek  
St. Cyr, Gerard  
Whittemore, James

Krueger, Patricia  
Moore, Carol  
Plaff, Terence  
Wallin, Jean  
Yeaton, Charles

Lamach, Bernard  
Morrill, Olive  
Reardon, Tara  
Wallner, Mary Jane

## ROCKINGHAM

Aranda, M. Kathryn  
Bishop, Franklin  
Clark, Martha  
Dearborn, Bruce  
Dowling, Patricia  
Felch, Charles, Sr.  
Frechette, Joseph  
Henderson, Warren  
Katsakiores, Phyllis  
Langone, John  
McCarthy, John, Jr.  
Moore, Benjamin  
Sabella, Norma  
Stone, Joseph  
Varrell, Thomas  
Weyler, Kenneth

Arndt, Janet  
Blanchard, MaryAnn  
Coes, Betsy  
Dodge, Robert  
Downing, Michael  
Flanagan, Natalie  
Gleason, John  
Hutchinson, Rebecca  
Kelley, Jane  
Letourneau, Robert  
McGovern, Cynthia  
Norelli, Terie  
Schanda, Frank  
Stritch, C. Donald  
Vaughn, Charles  
Woods, Deborah

Battles-Peirce, Marjorie  
Case, Margaret  
Cooney, Richard  
Dolan, Richard  
Dube, LeRoy  
Flanders, John, Sr.  
Guthrie, Joseph  
Johnson, Robert  
Klemm, Arthur, Jr.  
Major, Norman  
McKinney, Betsy  
O'Keefe, Patricia  
Simmons, John Anthony  
Syracusa, Anthony  
Weatherspoon, Jackie

Beaulieu, Jon  
Christie, Andrew, Jr.  
Cushing, Robert  
Dowd, Sandra  
Dunham, Vivian  
Francoeur, Sheila  
Heath, John  
Katsakiores, George  
Langley, Jane  
Malcolm, Kenneth  
Micklon, Stephanie  
Packard, Sherman  
Stickney, Nancy  
Tufts, J. Arthur  
Welch, David

## STRAFFORD

Brennan, William  
DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Musler, George  
Smith, Marjorie  
Taylor, Kathleen  
Vachon, Dennis

Brown, George  
Dunlap, Patricia  
Hilliard, Dana  
McKinley, Robert  
Pelletier, Arthur  
Snyder, Clair  
Torr, Ann  
Vincent, Francis

Brown, Julie  
Estabrook, Iris  
Kaen, Naida  
Merrill, Amanda  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin  
Wall, Janet

Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Merritt, Deborah  
Rollo, Michael  
Sullivan, Henry  
Twardus, Joseph

## SULLIVAN

Allison, David  
Ferland, Brenda  
Schotanus, Merle

Burling, Peter  
Flint, Gordon  
Wiggins, Celestine

Cloutier, John  
Lindblade, Eric

Donovan, Thomas  
Palmer, Lorraine

## NAYS 75

## BELKNAP

Boyce, Robert

Hurt, George

Lawton, David

## CARROLL

Babson, David, Jr.

Dickinson, Howard, Jr.

## CHESHIRE

Riley, William

## COOS

Coulombe, Yvonne

## GRAFTON

Akins, Ralph  
Root, John

Hinman, Harry  
Weber, Phil

Mirski, Paul

Phinney, William

**HILLSBOROUGH**

|                         |                       |                       |                |
|-------------------------|-----------------------|-----------------------|----------------|
| Arnold, Thomas, Jr.     | Baroody, Benjamin     | Barry, William, III   | Batula, Peter  |
| Bergin, Peter           | Buckley, Raymond      | Clegg, Robert, Jr.    | Dokmo, Cynthia |
| Drabinowicz, A. Theresa | Foster, Joseph        | Hart, Nick            | Herman, Keith  |
| Holt, David             | Jean, Loren           | Leishman, Peter       | Lessard, Rudy  |
| Luebker, Bernard        | MacGillivray, Jeffrey | Marcinkowski, Michael | Martin, Mary   |
| McGough, Tim            | Murch, George         | Perkins, Paul         | Riley, Frances |
| Vaillancourt, Steve     | White, Donald         | Wright, George        |                |

**MERRIMACK**

|                 |                   |                  |                    |
|-----------------|-------------------|------------------|--------------------|
| Adams, Stephen  | Colburn, Kathleen | Colburn, Thomas  | Hoadley, Elizabeth |
| Larrabee, David | Lavoie, Gerard    | Lockwood, Robert | Marshall, Kenneth  |
| Maxfield, Roy   |                   |                  |                    |

**ROCKINGHAM**

|                |                  |                  |                    |
|----------------|------------------|------------------|--------------------|
| Abbott, Dennis | Belanger, Ronald | Camm, Kevin      | Cegelis, Mark      |
| Fesh, Robert   | Flanders, David  | Gibbons, Paul    | Griffin, Mary      |
| Kobel, Rudolph | Lovejoy, Marian  | Mikowski, Walter | Millard, Ralph     |
| Morris, Debbie | Nowe, Ronald     | Noyes, Richard   | Raynowska, Bernard |
| Reardon, Neil  | Rubin, George    | Smith, Kevin     | Verani, Giovanni   |

**STRAFFORD**

|                 |                      |                 |
|-----------------|----------------------|-----------------|
| Bickford, David | McCann, William, Jr. | Tsiros, William |
|-----------------|----------------------|-----------------|

**SULLIVAN**

|               |               |                |
|---------------|---------------|----------------|
| Adler, Rudolf | Kibbey, David | Leone, Richard |
|---------------|---------------|----------------|

and Sec. 3, the real estate transfer tax was adopted.  
Report adopted and ordered to third reading.

**SPECIAL ORDER**

**HB 195-FN-A**, increasing the exemption amount under the interest and dividends tax. RE-REFER TO COMMITTEE

Rep. Charles L. Vaughn for Finance: The Committee, with due diligence, concluded it is prudent to re-refer. The bill merits further study. Vote 19-1.

Adopted.

Rep. Noyes declared a conflict of interest and did not participate.

**REGULAR CALENDAR (CONT'D.)**

**HB 225-FN**, requiring the commissioner of health and human services to establish a needle exchange pilot program. OUGHT TO PASS WITH AMENDMENT

Rep. W. Gordon Allen for Finance: The bill was amended to clarify and ensure that no general funds would be used in operating the pilot program in one community. The policy was unchanged. Vote 13-7.

**Amendment (0792h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** providing for the establishment of a needle exchange pilot program in one community in New Hampshire.

Amend the bill by replacing section 2 with the following:

2 Pilot Program Established; Needle Exchange.

I. The commissioner of the department of health and human services shall establish guidelines for and shall monitor, with the assistance of an advisory committee, a 2-year pilot program offering the free exchange of new hypodermic needles and syringes for used hypodermic needles and syringes as a means to prevent the transmission of human immunodeficiency virus (HIV) among intravenous drug users. The pilot program may be implemented by one community in New Hampshire. Any individual who either administers or participates in the needle exchange program established under this act shall be immune from prosecution for violating RSA 318:52-c through RSA 318:52-e.

II. The commissioner, with the advice of the advisory committee established in section 3 of this act, shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The community where the pilot program may be implemented and the manner of implementation in such community.

(b) Counseling and rehabilitation services to be offered to persons participating in the program.

(c) Any other matter necessary to the administration of this act.

III. The local governing body shall have the option to determine if it will implement the pilot program in the community.

IV. The commissioner of health and human services may accept grants and moneys from any source and may expend such grants and moneys for the purposes of the program. Any money expended in excess of such grants and moneys shall be the responsibility of the community implementing the program.

Amend the introductory paragraph of paragraph I as inserted by section 3 of the bill by replacing it with the following:

I. There is established an advisory committee to assist the commissioner of health and human services in establishing guidelines for and monitoring the pilot program, including the rulemaking process, authorized under section 2 of this act. The committee members shall be as follows:

Amend the bill by replacing section 5 with the following:

5 Funding. The pilot program established in this act shall be funded through grants solicited from federal, local, charitable and private sources and funds that may be provided by the pilot community.

#### AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to establish guidelines for and to monitor, with the assistance of an advisory committee, a 2-year needle exchange pilot program to reduce the spread of AIDS in New Hampshire. The pilot program may be implemented by one community in New Hampshire. The community shall have the option of deciding whether the pilot program should be implemented in its community. The commissioner is granted rulemaking authority to implement the provisions of the bill.

On a division vote, 244 members having voted in the affirmative and 100 in the negative, the amendment was adopted.

Rep. Frances Riley wished to be recorded against.

The question now being the adoption of the amended committee report.

On a division vote, 224 members having voted in the affirmative and 121 in the negative, the report was adopted.

Ordered to third reading.

Rep. Frances Riley wished to be recorded against.

Rep. Manning wished to be recorded in favor.

**HB 402**, relative to the use of revenues of the fish and game department. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. DeStefano for Finance: This bill would require all revenues for licenses, permits and other sources be used only for the administering of fish and game laws. The majority of the committee felt that the Fish and Game Department should pay for their facility at Hazen Drive and therefore voted the bill Inexpedient. Vote 12-7.

Rep. Kurk spoke against.

The report failed.

Rep. Kurk moved Ought to Pass.

Adopted and ordered to third reading.

**HB 459-FN**, establishing a youth operator's license for persons under 18 years of age. **OUGHT TO PASS**

Rep. Robert G. Holbrook for Finance: The committee found no adverse financial impact. Vote 15-5. Adopted and ordered to third reading.

**HB 530-FN-A**, establishing civil action filing fee surcharges to fund civil legal assistance to low-income persons and continually appropriating a special fund. **INEXPEDIENT TO LEGISLATE**

Reps. Franklin G. Torr and Arthur P. Klemm, Jr. for Finance: This bill was voted Inexpedient to Legislate because the committee felt a surcharge on fees in civil actions was an inappropriate funding mechanism. The committee believes the better way to fund this program is through the budget process, which the committee intends to do. Vote 15-5.  
Adopted.

**HB 571-FN-A**, funding services for developmentally disabled persons with severe disabilities and making an appropriation therefor and relative to full funding of services to developmentally disabled persons. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kevin L. Camm for Finance: Since the governor's budget contained significant funding for the A & B waiting list for the next biennium, the committee removed the funding from the bill. It also required the Department of Health and Human Services to incorporate the cost of fully funding the waiting list in future biennial budget requests so that accurate information is available in the budget process. Vote 18-2.

#### Amendment (0845h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to full funding of services to developmentally disabled persons.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that the state of New Hampshire has made a commitment under RSA 171-A to implement a statewide system of integrated community-based services for persons with developmental disabilities. The general court is cognizant of and concerned that so many of the state's developmentally disabled persons are deprived each year of essential services because New Hampshire has failed to adequately fund those services. Therefore, the general court intends that the department of health and human services fully fund such services in its future budget requests.

2 New Section; Full Funding for Services for Persons With Developmental Disabilities. Amend RSA 171-A by inserting after section 1 the following new section:

171-A:1-a Full Funding of Services Budget. The department of health and human services shall incorporate the costs of fully funding services to persons with severe developmental disabilities classified as priority A or B as required under RSA 171-A in the department's budget recommendation to the governor's office.

3 Effective Date. This act shall take effect July 1, 1997.

#### AMENDED ANALYSIS

The bill requires the department of health and human services to incorporate the costs of fully funding such services in its budget requests each biennium.  
Adopted.

Report adopted and ordered to third reading.

**HB 677-FN**, increasing the wetlands excavating and dredging permit fee for major and minor projects. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen T. DeStefano for Finance: The amendment increases the fee from \$.025 per square foot to \$.04 per square foot for all operators for wetland excavating and dredging permits. This amendment was requested by the Department of Environmental Services. Vote 16-3.

#### Amendment (0840h)

Amend the bill by replacing section 1 with the following:

1 Wetlands Excavating and Dredging Permit Fee Increased for Minor and Major Projects. Amend RSA 482-A:3, I to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. The permit application together with a detailed plan and a map showing the exact location of the proposed project, along with 4 copies of the permit application, plan and map, shall be submitted to the town or city clerk, accompanied by a filing fee in the form of a check made out by the applicant to the state of New Hampshire. The permit application fee shall be \$50 for minimum impact projects. Fees for minor and major projects shall be assessed based on the area of dredge [or], fill, or construction proposed and the number of boat slips requested. The rates shall

be \$100 per boat slip and ~~[\$0.025 per square foot]~~ *\$0.04 per square foot for all proposed projects under this chapter.* At the time the permit application is submitted to the city or town clerk, the applicant shall provide postal receipts or copies, verifying that abutters, as defined in the rules of the department, and except as further provided in said rules, have been notified by certified mail. The postal receipts or copies shall be retained by the municipality. The town or city clerk shall immediately sign the application and forward by certified mail, the application, plan, map and filing fee to the department. The town or city clerk shall then immediately send a copy of the permit application, plan and map to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One copy shall remain with the city or town clerk, and shall be made reasonably accessible to the public. The foregoing procedure notwithstanding, applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan and map filed at the same time with the town or city clerk to be distributed as set forth above.

Adopted.

Report adopted and ordered to third reading.

**HB 748-FN**, clarifying the school building aid law relative to kindergarten programs. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: The initiatives proposed by this legislation may also be found in HB 50, the governor's kindergarten bill. The committee will review the fiscal impact of these proposals as part of its comprehensive review of the governor's proposal. Vote 15-5.

Adopted.

**HB 755-FN**, increasing certain OHRV registration fees and requiring the department of fish and game to file an annual report to the legislature. **OUGHT TO PASS WITH AMENDMENT**

Rep. Arthur P. Klemm, Jr. for Finance: This bill as amended adds \$10.00 on resident OHRV registrations. Two dollars of this fee will go to Fish and Game for enforcement and the remaining \$8.00 goes to the Department of Resources and Economic Development for trail grooming. The amendment is a compromise between DRED and Fish and Game. Vote 16-3.

#### **Amendment (0859h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to OHRVs and increasing certain OHRV registration fees

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Changed. Amend RSA 206:42 to read as follows:

206:42 Fish and Game Search and Rescue Fund. The additional fee of \$1 collected under the provisions of RSA 270-E:5, II(b) for each private boat registered and under RSA ~~[215-A:23, VH]~~ **215-A:23, X** for each OHRV registered shall be paid over to the state treasurer who shall keep such fees in a special fund to be expended by the fish and game department for use in search and rescue operations. The special fund shall be nonlapsing. All funds received under this subdivision are continually appropriated to the fish and game department for the purposes of this subdivision. The fish and game department shall report to the fiscal committee on a quarterly basis beginning on October 1, 1989, on the expenditures made from the fund.

2 Definition Clarified; Antique Snow Traveling Vehicle. Amend RSA 215-A:1, I-a to read as follows:

I-a. "Antique snow traveling vehicle" means any snow traveling vehicle manufactured prior to the year 1969 or 20 or more years old owned by a resident of the state ~~[which is maintained solely for use in exhibitions, club activities, parades, and other functions of public interest, and which is not used primarily for the transportation of passengers and goods or for general off-highway recreational use]~~. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

3 Report by Fish and Game Department; Reference Corrected. Amend RSA 215-A:3, IX and X to read as follows:

IX. The commissioner of the department of resources and economic development *and the executive director of the department of fish and game* shall each submit an annual report to the chairperson of the wildlife and marine resources committee of the house of representatives and to

the chairperson of the fish and game/recreation committee of the senate which details the performance of the bureau during the previous year. ~~[This]~~ *Each* report shall be submitted on or before January 15 of each year.

X. The commissioner of the department of resources and economic development shall submit an annual report to the chairperson of the wildlife and marine resources committee of the house of representatives and to the chairperson of the fish and game/recreation committee of the senate which details the receipts and disbursements of all grant-in-aid funds received by the bureau pursuant to ~~[RSA 215-A:23, V(a)(7)]~~ *this chapter* and RSA 260:61 during the previous fiscal year. This report shall be submitted on or before January 15 of each year.

4 Reference Changed. Amend RSA 215-A:3-a, III to read as follows:

III. Complete and specific procedures relative to the distribution of and requirements for obtaining funds from the grant-in-aid program established under ~~[RSA 215-A:23, V(a)(5)]~~ *215-A:23, VI*.

5 Reference Changed. Amend RSA 215-A:18, II to read as follows:

II. The court or justice of any court in which a complaint for a violation of any law or rule adopted pursuant to RSA 541-A brought by a forest and park patrol officer of the department of resources and economic development is prosecuted shall, within 30 days after any fine or forfeiture is paid, remit the amount thereof to the commissioner of the department of resources and economic development; provided, however, that, from each fine collected by a municipal or district court, there shall be deducted \$10 and 20 percent of that part of the fine which exceeds \$10 and the same shall be continually appropriated to the department for the purposes of RSA ~~[215-A:23, V(a)]~~ *215-A:23, VI*.

6 Registration Fees. RSA 215-A:23 is repealed and reenacted to read as follows:

215-A:23 Registration Fees. The fees to be collected under this chapter are as follows:

I. Individual resident registration - \$33 for each registration upon presentation of resident tax receipt, or a valid New Hampshire driver's license issued to a person 18 years of age or older.

(a) The first \$14 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$9.30 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$9.70 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

II. Resident antique snow traveling vehicle permanent registration - \$35 for each registration upon presentation of resident tax receipt. From each fee collected pursuant to this paragraph:

(a) The first \$20 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$7.50 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$7.50 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

III. Individual nonresident registration - \$43 for each registration.

a) The first \$20 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$11.10 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$11.90 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

IV. Dealer registration and rental plates - \$25 for each plate or set of plates.

(a) The first \$8 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$8.20 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$8.80 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

V. Registration after transfer as provided in RSA 215-A:22 - \$13.

(a) The first \$8 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$2.80 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$2.20 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

VI.(a) Any funds appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program shall be kept in a separate account and shall not be used for any other purpose. Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year. From each registration fee collected under this section, \$5 shall be used for the purpose of purchasing trail grooming equipment and trail maintenance equipment. All remaining funds shall be used for trail maintenance and construction.

(b) Grants-in-aid shall be granted to organized nonprofit OHRV clubs and political subdivisions for the construction and maintenance of OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. All trails and facilities developed and maintained under this grant-in-aid program shall be open to the general public. Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. The private landowner shall also retain the right to post any grant-in-aid trail located on his property against trespass by any specific activity or specific type of OHRV.

(c) All revenue appropriated in this paragraph shall be in addition to any other funds appropriated to the grant-in-aid program of the bureau of trails. Such revenue is hereby continually appropriated to the department of resources and economic development for the purposes of this paragraph.

VII. Funds appropriated to the department of resources and economic development for administration of the bureau shall be used for the following purposes:

- (a) Publications.
- (b) Trail maintenance and acquisition.
- (c) Easements and rights-of-way.
- (d) OHRV facilities.

(e) From the amount collected from each individual registration fee, \$3 shall be used by the bureau for the purposes of purchasing OHRV trail maintenance equipment or paying trail maintenance expenses. These funds shall be kept in a separate account and shall be used and appropriated solely for these purposes.

(f) Such other purposes as may be budgeted within the limits of the funds available. Any unexpended balance in said accounts shall not lapse, but shall be carried forward to the next fiscal year.

VIII. Any funds appropriated to the fish and game department shall be used for the following purposes:

- (a) Enforcement of the provisions of RSA 215-A.
- (b) Establishment of training programs in the operation, safety, regulation, equipment maintenance and other related matters pertaining to OHRVs.
- (c) Law enforcement under this chapter, which shall be the responsibility of the executive director.

(d) OHRV registration.

(e) Such other purposes as may be budgeted within the limitation of the funds available. Any unexpended balance in said accounts shall not lapse, but shall be carried forward to the next fiscal year.

IX. Any excess registration fees collected and not expended shall be nonlapsing and shall be retained by the OHRV program for future use. In each year of the biennium, the excess fees collected may be expended by the fish and game department and the department of resources and economic development in the same proportion as described in this section with prior approval of the fiscal committee and the governor and council.

X. Notwithstanding the provisions of paragraph IX, there shall be paid to the executive director, in addition to the fees required by this section, an additional fee of \$1 for each registration required by this section. The additional fee shall be paid into the fish and game search and rescue fund established under RSA 206:42.

7 Financial Responsibility; Damage to Property Amount Increased. Amend RSA 215-A:28, I to read as follows:

I. All provisions, including the penalties, suspensions and prohibitions of the New Hampshire financial responsibility law, and the provisions of statutes relative to the operation of a motor vehicle, shall apply to an OHRV being operated upon a public highway. The operator of an OHRV involved in an accident resulting in death or injury to a person or damage to property in excess of

[~~\$100 if the OHRV is uninsured, or damage to property in excess of \$300 if the OHRV is insured~~] **\$500**, the owner of [~~said~~] **the** OHRV having knowledge of the accident, should the operator [~~of same~~] be incapacitated, shall report [~~said~~] **the** accident immediately to the nearest police officer or nearest police station and shall file a report of the accident with the department of fish and game and the department of safety within 5 days on forms prescribed by the department of fish and game.

8 Reference Changed. Amend RSA 215-A:29, VI to read as follows:

VI. OHRV safety training shall be established within the OHRV budget of the New Hampshire fish and game department as referred to in RSA [~~215-A:23, V(b) (2)~~] **215-A:23, VIII**.

9 Racing Meets Changed to Events. Amend RSA 215-A:30 to read as follows:

215-A:30 [~~Racing~~] **Events**.

I. Any person, organization or corporation who wishes to operate or to promote any snow traveling vehicle or OHRV [~~racing-meet~~] **event** or contest involving the use of unregistered snow traveling vehicles or unregistered OHRVs shall procure a permit from the executive director. The application for the permit shall be on an annual basis, shall include a listing of scheduled events and shall be accompanied by an annual fee of \$50. Participants in [~~said racing-meet~~] **an event** or contest shall not be required to register in New Hampshire, but shall operate under the provisions of the permit. Any such participant who is not registered in New Hampshire shall not operate away from the race course or contest area specified in the permit. Distribution of any fees collected under this section shall be [~~in accordance with the provisions of RSA 215-A:23:~~] **as follows**:

(a) *The first \$35 shall be appropriated to the department of resources and economic development for the administration of the bureau, and shall be used by the bureau for its grant-in-aid program pursuant to RSA 215-A:23, VI.*

(b) *From the balance, \$7.50 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in RSA 215-A:23, VII, and \$7.50 shall be appropriated to the department of fish and game for the purposes specified in RSA 215-A:23, VIII.*

II. Notwithstanding the provisions of RSA 215-A:6 and RSA 215-A:29, persons less than 16 years of age may operate an OHRV while not accompanied by a parent or guardian and without an OHRV safety certificate if one of the following conditions exists:

(a) When participating in an OHRV safety education program approved by the fish and game department.

(b) When participating in an organized [~~meet~~] **event** or contest when the organizer of [~~such~~] **the** event has obtained landowner permission and procured a permit from the executive director.

10 Effective Date. This act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill:

- (a) Increases the registration fees for certain off highway recreational vehicles.
- (b) Prescribes the distribution of OHRV registration fees.
- (c) Amends the definition of antique snow traveling vehicle.
- (d) Increases the minimum amount of damage to property in an OHRV accident before requiring reporting of the accident.
- (e) Changes racing meet permits to event permits.
- (f) Requires the department of fish and game to report annually to the legislature concerning OHRVs.

Adopted.

Report adopted and ordered to third reading.

**SB 24**, relative to prescriptions for certain controlled drugs. **OUGHT TO PASS**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: This bill clarifies the language relative to controlled drugs and specifically names the types of disorders for which these drugs can be used. Vote 18-0.

Adopted and ordered to third reading.

**HB 197-FN**, relative to the regulation of wetland scientists. **OUGHT TO PASS**

Rep. Mary E. Brown for Finance: The addition of wetland scientists to the Joint Board of Natural Scientists will have no adverse effect on the general fund. The number of wetland scientists who become certified will adequately comply with the 125% rule for boards. Vote 19-1.

Adopted and ordered to third reading.

**HB 440-FN**, changing the legislative mileage formula. **OUGHT TO PASS**

Rep. Robert G. Holbrook for Finance: This bill gives general court members a choice of two methods of receiving compensation for mileage: the current method of \$.38 for the first 45 miles and \$.19 per mile over 45 miles and a new method of actual mileage to and from Concord at the maximum rate established by the Internal Revenue Service which today is \$.31½ per mile. This would take effect for members elected in 1998. Vote 22-0.

Rep. Mirski spoke against.

Report adopted and ordered to third reading.

**HB 578-FN-A-L**, providing for property tax relief and making an appropriation therefor. **REFER TO COMMITTEE**

Rep. Kenneth L. Weyler for Finance: This bill, which provided property tax relief to low income individuals, had broad support. Unfortunately, the committee was unable to find the necessary \$15 million. Because the proposal has merit, the committee would like to have the bill re-referred to consider other funding sources. Vote 20-0.

Rep. Jacobson spoke in favor and yielded to questions.

Adopted.

**HB 582-FN**, relative to medicaid rate setting. **OUGHT TO PASS WITH AMENDMENT**

Rep. O. Alan Thulander for Finance: The committee, recognizing the importance of home health services to medicaid-eligible clients, felt that a medicaid rate-setting methodology should be established by the Commissioner of Health and Human Services to monitor unit rate reimbursement to providers on an annual basis. The legislature would reserve the ability, through the budget, to implement any rate changes. Vote 20-0.

**Amendment (0844h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes home health services as one means to provide health care to medicaid-eligible clients. Medicaid reimbursement rates for home health services have not been adjusted since 1989, and the general court finds that these rates are not adequate for certain components of home health services. The purpose of this act is to increase fairness and preserve availability of home health services to medicaid-eligible clients by adjusting current reimbursement rates and establishing a methodology under which those rates will be evaluated on an annual basis.

2 New Section; Rate Setting Methodology. Amend RSA 126-A by inserting after section 18 the following new section:

126-A:18-a Rate Setting for Home Health Services.

I. The commissioner of health and human services shall adopt rules under RSA 541-A to establish a rate setting methodology which establishes unit medicaid reimbursement rates for home health services which reflect the average cost to deliver services. The commissioner shall consider the factors of economy, efficiency, quality of care, and access to care, in accordance with guidelines in federal regulations.

II. The department of health and human services shall annually on or before October 1 establish unit rates for home health services paid under medicaid which better reflect the average cost to deliver services.

III. The commissioner shall make an annual report on or before November 1, relative to the rates for home health services, to the speaker of the house of representatives, the president of the senate and the chairperson's of the house and senate finance committees.

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill requires the commissioner of health and human services to establish a medicaid rate setting methodology for home health services which better reflects the average cost to deliver services. The commissioner shall make an annual report relative to such rates to the speaker of the house, president of the senate, and the chairpersons of the house and senate finance committees. Adopted.

Report adopted and ordered to third reading.

Rep. Mirski declared a conflict of interest and did not participate.

**HB 616-FN**, relative to jury selection reforms. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. DeStefano for Finance: This bill changes the method of compiling the master jury list, repeals most jury exemptions and sets up a "one day, one trial" pilot program. The committee felt that the cost to blend the voter list with the Department of Motor Vehicle and the estimated \$90,000 for the "one day, one trial" program was too much at this time. Vote 23-0.

Reps. Kurk and Woods spoke against.

The report failed.

Rep. Kurk moved Re-refer to Committee.

Adopted.

**HB 734-FN**, requiring district courts to hold evening sessions. **INEXPEDIENT TO LEGISLATE**

Rep. Robert G. Holbrook for Finance: This is a fine policy idea, but the judiciary's budget cannot support the \$261,000.00 per year needed to operate the evening courts. Vote 19-0.

Rep. Kurk spoke against and yielded to questions.

Rep. John McCarthy spoke against.

The report failed.

Rep. Kurk moved Re-refer to Committee.

Adopted.

**HB 744-FN**, relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval, and relative to the legal status of local river management advisory committees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen T. DeStefano for Finance: This amended bill establishes a local river management advisory committee, but eliminates sections 1 and 2 in reference to water samples, administrative fines and the establishment of an additional position. Vote 20-0.

Rep. Kurk moved Recommit to Committee and spoke in favor.

Adopted.

**SB 123**, relative to shellfish harvesting areas. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ronald J. Nowe for Wildlife and Marine Resources: This bill is to clarify the jurisdictions of the closure of flats and in the management for the Health and Human Services in regards to the water quality conditions and the amendment grants the Executive Director the authority to conduct a lottery type method of selecting hunters to be issued an additional deer tag in the wildlife management unit specified by the Executive Director. Vote 9-0.

**Amendment (0823h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to shellfish harvesting areas and relative to special deer permits.

Amend the bill by replacing all after section 2 with the following:

3 Fee Authorized. Amend RSA 208:5-b to read as follows:

208:5-b Special Deer Permit. The executive director may issue a special deer permit to a licensee licensed under RSA 214:9, 208:5, or 208:5-a. Such special deer permit shall allow the taking of additional deer. The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location, method, and manner of taking as well as the issuance and fee for a special deer permit. *The executive director may charge a fee not to exceed \$10 for all applications for a special deer permit.*

4 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill requires the commissioner of health and human services to consult with the commissioner of the department of environmental services regarding water quality conditions that affect the classification of shellfish growing areas. The bill also provides that the department of health and human services is to serve as the state shellfish sanitation control authority.

The bill changes the application of the prohibition from shellfish sold to shellfish harvested for food.

The bill also authorizes the executive director of fish and game to charge a fee for a special deer permit.

Rep. McGuirk requested that the Speaker rule on the germaneness of the amendment.

The Speaker ruled the amendment was not germane. (Clerk's Note: The amendment is printed above for the reader's benefit.)

Rep. Felch moved Recommit to Committee, spoke in favor and yielded to questions.  
Adopted.

## SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to extend the deadline for reporting all remaining house bills from April 2, 1997 to April 3, 1997.

Adopted by the necessary two-thirds.

## RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 10, 1997 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 151-FN-L**, establishing comprehensive medical, physical, and psychological standards for law enforcement officers.

**HB 196-FN**, providing for the regulation of horticultural growing media.

**HB 246**, making technical corrections to the business profits tax, interest and dividends tax, and the legacies and successions tax and setting the biennial rate of the medicaid enhancement tax at 6 percent.

**HB 268-FN**, relative to the Pease development authority.

**HB 413**, relative to the sale or transfer of airports by the state.

**HB 457-FN**, requiring all state agencies, departments, and commissions in all 3 branches of government to have a presence on the New Hampshire automated information system by January 1, 1998, and designating the state library as the official repository of state government information.

**HB 488-FN**, relative to involuntary admission to the state hospital on an emergency basis.

**HB 525-L**, relative to Braille instruction for functionally blind pupils.

**HB 572-FN**, relative to town, city, and county treasurers and to the state treasurer.

**HB 588-FN**, relative to certification of operators of solid waste plants, water treatment plants, and wastewater treatment plants, and adding late renewal fees.

**HB 592-FN-A-L**, establishing an advisory council on brain and spinal cord injuries.

**HB 598-FN**, relative to liens on aircraft for nonpayment of aircraft registration fees.

**HB 599-FN**, relative to youth access to tobacco products.

**HB 646-FN-A**, relative to eligibility for child day care services for persons receiving public assistance.

**HB 658-FN-A**, ensuring that the division of safety services, department of safety receives its 1/2 share of unrefunded tolls for boat motor fuels as required by law, and establishing a special fund therefor.

**HB 724-FN**, allowing the office of reimbursements in the department of health and human services to set rates for the multiple DWI offender intervention detention center program.

**HB 765-FN**, establishing an osteoporosis prevention, education, and treatment program.

**HB 771-FN-L**, relative to hazardous waste operator permit application costs, adding an exemption to the hazardous waste cleanup fund fee, increasing grant awards made pursuant to the used oil collection center program, and relative to the automotive oil fee.

**HB 781-FN**, relative to lucky 7 tickets and bingo games and requiring manufacturers and distributors of bingo supplies to be licensed.

**HB 785-FN**, relative to alcohol and other drug abuse professionals.

**HJR 6**, authorizing the joint legislative historical committee to acquire and cause to be displayed a portrait of suffragist Marilla Marks Ricker.

**SB 4**, relative to patient information.

**SB 133**, relative to the task force on perinatal chemical dependency.

**SB 163**, relative to the Uniform Anatomical Gift Act.

- HB 52**, authorizing the assignment of superior court judges to hear cases in the district court.  
**HB 51-FN-A**, extending the temporary tax rates of the meals and rooms tax, communications services tax, and real estate transfer tax through the biennium ending June 30, 1999.  
**HB 225-FN**, providing for the establishment of a needle exchange pilot program in one community in New Hampshire.  
**HB 402**, relative to the use of revenues of the fish and game department.  
**HB 459-FN**, establishing a youth operator's license for persons under 18 years of age.  
**HB 571-FN-A**, relative to full funding of services to developmentally disabled persons.  
**HB 677-FN**, increasing the wetlands excavating and dredging permit fee for major and minor projects.  
**HB 755-FN**, relative to OHRVs and increasing certain OHRV registration fees.  
**SB 24**, relative to prescriptions for certain controlled drugs.  
**HB 197-FN**, relative to the regulation of wetland scientists.  
**HB 440-FN**, changing the legislative mileage formula.  
**HB 582-FN**, relative to medicaid rate setting.

### UNANIMOUS CONSENT

Rep. Hunt addressed the House.

Reps. Hill and Lockwood moved that the remarks made by Rep. Hunt be printed in the Journal. Adopted.

Rep. Hunt: This House and the Commerce Committee lost a colleague and friend when Rep. Dick Krueger passed away last week. Those of us who had the privilege to serve with Dick over the years on Commerce will always remember his humor and wit. We marveled at his attendance and thank the many people who volunteered to drive him to Concord, and there were many of you in this body and outside it. We will miss his knowledge and expertise on the committee as we continue to grapple with the complex issues that face us. Dick Krueger was a multifaceted man. From Citizen of the Year in Claremont, to his service as a Commander in the United States Navy, to his athletic ability as a student at Spaulding High School. He served Claremont as a member of the school board and was active in the Chamber of Commerce promoting economic development, and he did this as a volunteer. Dick never complained as his eyesight faltered. He taped hearings and became computer literate. He often picked up information in hearings from inflection in voices that his sighted colleagues missed. He brought to us, who knew him well, an abiding respect for his courage. How many of us would have the courage to come here and to contribute without our sight? Yet, we never once heard Dick complain. He loved this institution and enjoyed his time here and those of us who knew him well loved and enjoyed his time with us. We will miss you, Dick. Reps. Root and Boutin addressed the House.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 2:55 p.m.

### RECESS

(Speaker Sytek in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 172, 267, 307, 403 and 681.

Rep. Nowe, Sen. Barnes for the Committee

### RESOLUTION

Reps. Henderson and Packard offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 6, 37, 47, 102, 130, 149, 162, 169, 176, 180, 194 and SJR 3 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS AND SJR****First, second reading and referral**

**SB 6**, relative to real estate appraisers. (Executive Departments and Administration)

**SB 37**, relative to line items at town and school district meetings. (Municipal and County Government)

**SB 47-FN**, continuing the marital guardian ad litem recovery program in the unit of cost containment, office of the commissioner of administrative services. (Judiciary and Family Law)

**SB 102-FN**, relative to the possession of certain weapons in the commission of a violent crime. (Criminal Justice and Public Safety)

**SB 130**, relative to the portability, availability, and renewability of health coverage. (Commerce)

**SB 149**, prohibiting state agencies managing federal programs from exceeding their statutory authority in placing restrictions on activities of the private sector. (Executive Departments and Administration)

**SB 162-FN-A-L**, relative to the acquisition of a certain piece of property in Piermont, New Hampshire and making an appropriation therefor. (Public Works and Highways)

**SB 169-FN**, relative to a college tuition savings plan. (Education)

**SB 176-FN**, relative to late payment of the legacies and successions tax. (Finance)

**SB 180-FN-A**, relative to the maintenance, enhancement, and rehabilitation of local rural airport service and making an appropriation therefor. (Transportation)

**SB 194-FN-A**, relative to the age of child day care providers homes, and allowing school districts to transport school-age children between schools and before-and-after-school programs. (Judiciary and Family Law))

**SJR 3**, urging the United States Congress to adopt a constitutional amendment for environmental rights. (State-Federal Relations and Veterans Affairs)

**COMMITTEE ASSIGNMENTS**

Rep. DePecol on Judiciary and Family Law; off State-Federal Relations and Veterans Affairs.

Rep. Eaton on Commerce; off Local and Regulated Revenues.

Rep. McGovern on State-Federal Relations and Veterans Affairs; off Judiciary and Family Law.

**RECESS****(Rep. Holden in the Chair)****RESOLUTION**

Rep. Hager offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 34, 36, 53, 71, 82, 93, 104, 122, 159, 167, 173, 177, 178, 197, 203, 205, 206, 211, 213, 217 and CACR 13, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS AND CACR****First, second reading and referral**

**SB 34**, repealing laws relative to abortion. (Judiciary and Family Law)

**SB 36**, relative to incarcerated convicted persons receiving workers' compensation payments. (Labor, Industrial and Rehabilitative Services)

**SB 53-FN**, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement. (Executive Departments and Administration)

**SB 71-FN**, establishing a committee to identify and study statutes and ordinances in cases in which the penalty is not specified by statutes and clarifying the right to a jury trial in cases in which a civil penalty is imposed for a violation. (Criminal Justice and Public Safety)

**SB 82**, relative to determination of reasonable compensation for certain trustees. (Commerce)

**SB 93**, relative to employees of employers who hire recipients of state assistance under the employment assistance program. (Health, Human Services and Elderly Affairs)

**SB 104**, relative to rate setting for purposes of automobile insurance and homeowners insurance. (Commerce)

**SB 122**, establishing a commission to examine the effects of the managed care industry on those belonging to the disabled and the mental health communities. (Commerce)

**SB 159-FN**, establishing a committee to study increased public access to data concerning physicians and persons certified or registered under RSA 330-A. (Health, Human Services and Elderly Affairs)

**SB 167**, relative to the regulation of naturopathic practitioners. (Executive Departments and Administration)

**SB 173-FN**, relative to license and registration suspensions. (Transportation)

**SB 177-FN**, relative to the liability of prospective adoptive parents for court ordered services. (Judiciary and Family Law)

**SB 178-FN**, regulating managed care systems of health care delivery. (Commerce)

**SB 197-FN**, relative to final dispositional orders in child protection cases. (Judiciary and Family Law)

**SB 203-FN-L**, deleting the state prison and adding county correctional facilities to the provisions relating to incarcerated educationally disabled children. (Education)

**SB 205-FN-L**, establishing a special school district to provide special education for eligible inmates in the state prison system. (Education)

**SB 206-FN-A**, relative to seminars conducted by the superior court for persons seeking custody or visitation of minor children and relative to fees charged for such seminars. (Judiciary and Family Law)

**SB 211-FN**, making technical changes under the motor vehicle financial responsibility laws, insurance fraud laws, and laws regulating managing general agents, reinsurance intermediaries, and third party administrators. (Commerce)

**SB 213**, establishing a fund for loans to rehabilitate class III railroads and cog railroads and making an appropriation therefor. (Public Works and Highways)

**SB 217**, relative to control of accessory uses on private land, including aircraft takeoffs and landings. (Municipal and County Government)

**CACR 13**, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money. (Finance)

## RECESS

### (Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 16

Thursday, April 10, 1997

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Rep. Eric Lindblade.

Eternal God, we come before You at the beginning of a long and arduous day. Grant us wisdom, grant us courage for the facing of each single hour. Grant us wisdom to be silent when words enough have been spoken and courage to speak when our cause is right. May reason prevail over passion, fact over fantasy, truth over error. May only just and equal laws come forth from this chamber. And as the shadows lengthen may we look to Thee to grant us peace on our homeward way. Amen.

Rep. Malcolm led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Feng, Franks, Beverly Gage, O'Connell, Searles and Paul Taylor, the day, illness.

Reps. Bishop, Chabot, Lamach and Mock, the day, important business.

### INTRODUCTION OF GUESTS

Fred Andersen, guest of the Claremont Delegation. Carol Conti, guest of Rep. Flora. Ellie Dixon and Ellen Cronin, guests of Rep. William Williams. Jeff Michelsen, guest of Rep. Donald Welch. Fourth Grade classes from the New Searles School in Nashua with their teachers, Mrs. Webster, Mrs. Swidler and Mrs. Breen, guests of the Nashua Delegation. Robbin Shinkwin, niece of Rep. Dawe. Amanda Perez and Kevin Clemons, Jr. fiancée and son of Rep. Kevin Clemons. William Bradley, husband of Rep. Paula Bradley. Charlotte, Shirley and MaryAnn Mitchell, guests of Rep. DeChane. Lucy Wells, guest of Rep. Wiggins. Matt Bernard, guest of Rep. Buckley. Belmont High School students and staff, Amanda French, Kim Goss, Jeff DeRosa, Ken Bouwens, Katelyn West, Jen Patten, Gillian Quigley, Jackie Hood, Kristie Houle, Kristi Drake, Tim Foss, Kelly Klebbe, Josh Dion, Maureen Goulvein Rachel IaDonisi, Lisa Spinucci, Jodi Hislop, Mike Foley, Ralph Dixon Karen Jenkins and Gaye Longnecker, guests of Rep. Pilliod.

### SPECIAL GUESTS

The Nashua High School Girls' indoor track team and the Nashua High School Boys' swimming and diving teams, guests of the House. Bagpiper Callum Grant, members of the Saint Andrews Society and members of the Board of Directors of the Gathering of the Scottish Clans, David Christie, Richard MacLeod, Andy Melville, John Kilgore, Ken Trube, Douglas MacDonald, Arthur Johnston and Ralph Hartwell, the designer and weaver of the New Hampshire Tartan, guests of Rep. Avery and the House.

### SENATE MESSAGES

#### CONCURRENCE

**HB 114**, requiring members of conservation commissions to be residents of the city or town which they represent.

**HB 140**, relative to the sale of apples and relative to maple syrup and sap hydrometers and orders issued by the commissioner for noncompliance with the laws regulating maple and honey products.

**HB 158**, creating a committee to study the establishment of a New Hampshire volunteer program.

**HB 163**, repealing the law which requires the commissioner of health and human services to deny the application or renewal of the license of an emergency medical technician convicted of driving while intoxicated.

**HB 194-FN**, requiring any person erecting, installing, maintaining or exercising control over a mooring on Ossipee Lake to obtain a mooring permit from the division of safety services, department of safety.

**HB 217**, relative to outdoor advertising hearings in the department of transportation.

**HB 227**, relative to North Hampton property taxes.

**HB 228**, relative to the definition of "club-veterans" under the liquor laws.

**HB 296**, relative to airways toll moneys and aircraft operating fee revenues.

**HB 313**, clarifying the authority of security officers on the New Hampshire hospital campus.

**HB 325**, eliminating the correctional industries advisory board.

**HB 341**, relative to filing lucky 7 applications with the sweepstakes commission.

**HB 349**, repealing certain pari-mutuel laws relative to racing funds, disbursements of the funds, and records of receipts.

**HB 425**, relative to the regulation of pharmacists.

**HB 523**, relative to the appointment of guardians ad litem.

**HB 585**, relative to prohibiting littering, as enforced by the fish and game department.

**HB 698**, relative to the oil discharge and disposal cleanup fund, the fuel oil discharge cleanup fund, and the motor oil discharge cleanup fund.

### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 105**, allowing an extension of time limits upon a showing of good cause for holding an adjudicatory hearing in certain delinquency cases. (Amendment printed SJ 10, 3/27/97)

Rep. David Welch moved that the House concur.

Adopted.

### VACATE

Rep. Emerton moved that the House vacate the reference to the Committee on Health, Human Services and Elderly Affairs of **SB 93**, relative to employees of employers who hire recipients of state assistance under the employment assistance program.

Adopted and referred to the Committee on Labor, Industrial and Rehabilitative Services.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 638-FN**, requiring random on-site inspection and testing of certain sludge and biosolid samples, removed by Rep. Kibbey.

Consent Calendar adopted.

**HB 245-FN-A**, making certain real estate transfers taxable. RE-REFER TO COMMITTEE

Rep. David J. Alukonis for Finance: The Committee afforded critical and thorough review to this proposal and has found that the legislative measures contained in this bill would give rise to significant problems regarding real estate transfers, stock transfers and investments. The Committee has chosen to re-refer the proposal in order to further review the possible tax loop-hole that the sponsor of the bill had intended to address Vote 20-1.

**HB 744-FN**, relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval, and relative to the legal status of local river management advisory committees. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen T. DeStefano for Finance: This amended bill authorizes the Department of Environmental Services to take water samples of public swimming pools and spas. The costs of these samplings shall be paid by the owner or operator of these facilities. This bill was requested by DES. Vote 21-0.

#### Amendment (0971h)

Amend RSA 485-A:26 as inserted by section 1 of the bill by replacing it with the following:  
485-A:26 Swimming Pools and Bathing Places.

I. No person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as a part of a business venture, unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the department. A fee of \$100 shall be paid to the department upon submission of such plans for re-

view. Fees collected under this [section] *paragraph* shall be deposited with the state treasurer as unrestricted revenue. The commissioner shall adopt rules relative to safety standards to protect persons using said facilities. Nothing in this section shall be deemed to affect the powers of local health officers or the department of health and human services, with respect to nuisances.

II. *The department may take samples of the water of any such facility for analysis to determine compliance with water quality requirements. The costs of such sampling and analysis shall be paid by the owner or operator of such facility. The costs recovered for such sampling shall be deposited in the general fund as unrestricted revenue. The costs recovered for analysis shall be consistent with the fee structure established in RSA 131:3-a and deposited as provided in RSA 131:3-a. Any municipality which establishes a program of sampling and analysis which is equivalent to the department's program shall not be subject to additional sampling and analysis by the department.*

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Section 3 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill:

(a) Authorizes the department of environmental services to take water samples of public swimming pools to determine compliance with water quality requirements.

(b) Authorizes the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval of the department of environmental services.

(c) Authorizes administrative fines for violations of safety regulations regarding water pollution and waste disposal.

(d) Declares that local river management advisory boards are separate governmental instrumentalities from the state.

### REGULAR CALENDAR

**HB 53-FN-A**, relative to the meals and rooms tax and tourism promotion and making appropriations therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Finance: The amendment removes the contentious condominium time-share tax but requires the electronic filing of returns for the meals and rooms tax, keeping the fifteenth day of the month as the last day for filing the results. The Committee funded an additional \$2 million for tourism promotion in the budget and, based on expert advice, increased estimated meals and rooms tax revenues to pay for it. Vote 21-0.

### Amendment (0949h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to electronic data submission under the meals and rooms tax.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition of Electronic Data Submission. Amend RSA 78-A:3 by inserting after paragraph XII the following new paragraph:

XIII. "Electronic data submission" means the use of either the telephone or computer to transmit information.

2 Returns and Payment; Electronic Data Submission. Amend RSA 78-A:8 to read as follows:

78-A:8 Returns and Payment.

I. Every operator shall, on or before the fifteenth day of the calendar month following the collection of taxes imposed by this chapter ~~[make]~~, *file by electronic data submission* a return reporting the results of the preceding month to the commissioner of revenue administration. This return shall be filed even though no tax may be due. If such operator has been granted permission to make other than monthly filings, as provided in RSA 78-A:9, II(b), ~~[he]~~ *the operator* shall make a return in accordance with the return schedule permitted by the department of revenue administration, even though no tax may be due. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it shall contain. All returns shall ~~[be signed]~~ *contain an electronic authorization* by the operator or an authorized representative subject to the pains and penalties of perjury. *The commissioner shall adopt rules, under RSA 541-A, relative to the method of electronic authorization.*

II. The taxes collected by every operator shall be paid to the state on or before the fifteenth day of the calendar month following their collection ~~[and shall accompany the return required by paragraph I]~~. The operator may deduct from the taxes collected the compensation allowed by RSA 78-A:7, III, and remit the net taxes *by electronic funds transfer* to the commissioner of revenue administration.

III. Notwithstanding the provisions of any other law, returns and remittances due under this chapter shall be considered timely only if received by the department of revenue administration on or before the fifteenth day of the calendar month in which they were due. ~~[If an operator has requested and the post office has affixed the United States Postal Service date stamp to the tax return envelope, and the date stamped on the envelope is a date on or before the fifteenth day of the calendar month in which the return was due, then the return and remittance shall be considered timely even if received by the department after the fifteenth day of the calendar month on which it was due.]~~ If this due date falls on a Saturday, Sunday, or legal holiday, then the returns and remittances due under this chapter shall be filed no later than the next business day.

IV. *An operator shall receive notification of a successful filing and a confirmation number which shall serve as proof of filing.*

V. *The commissioner may adopt rules, pursuant to RSA 541-A, for alternative filing procedures in the event there is an equipment malfunction.*

3 Effective Date. This act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill requires electronic filing of returns under the meals and rooms tax.

Adopted.

Report adopted and ordered to third reading.

**HB 602-FN-A**, repealing the franchise tax on electrical utilities and replacing it with a tax on the distribution of electricity. OUGHT TO PASS WITH AMENDMENT

Rep. Avis B. Nichols for Finance: This bill repeals the franchise tax on electric utilities because after de-regulation there will no longer be any franchise. The bill replaces the franchise tax with a tax on electric consumption which will be collected by the provider of electricity. The tax rate is set at .00055 cents per kilowatt hour and is intended to replace existing net franchise tax revenues. This bill should have no impact on electricity rates. Vote 21-0.

### Amendment (0979h)

Amend the title of the bill by replacing it with the following:

**AN ACT** repealing the franchise tax on electrical utilities and replacing it with a tax on electricity consumption.

Amend the bill by replacing all after the enacting clause with the following:

1 Reference to Electricity Consumption Tax Added. Amend RSA 21-J:31 to read as follows:

21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount of the tax due or \$10, whichever is greater, for each month or part of a month during which the return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of the amount of the tax due or \$50, whichever is greater. This penalty shall not be applied in any case in which a return is filed within the extended filing period as provided in RSA 77:18-b, RSA 77-A:9, RSA 77-E:8, RSA 83-C:6, *RSA 83-E:5* or RSA 84-A:7, or the failure to file was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is determined by applying the percentages specified to the net amount of any tax due after crediting any timely payments made through estimating or other means.

2 Reference to Electricity Consumption Tax Added. Amend RSA 21-J:33-a, I to read as follows:

I. If there is a substantial understatement of tax imposed under RSA 77, RSA 77-A, RSA 77-E, RSA 78-A, RSA 78-C, RSA 82-A, ~~[or]~~ RSA 83-C, *or RSA 83-E*, for any taxable period, there shall be added to the tax an amount equal to 25 percent of the amount of any underpayment attributable to such understatement.

3 Business Profit Tax; Credit for Franchise Tax. Amend RSA 77-A:5, I to read as follows:

I. Taxes paid pursuant to RSA 83-C *covering the period from July 1, 1983 through December 31, 1997*, and taxes paid pursuant to RSA 83-E covering the period from January 1, 1983, through June 30, 1983;

4 New Chapter; Tax on Electricity Consumption. Amend RSA by inserting after chapter 83-D the following new chapter:

## CHAPTER 83-E ELECTRICITY CONSUMPTION TAX

83-E:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Consumer" means any person, including governmental units, receiving electrical energy for consumption and includes any person receiving electrical energy for consumption in this state and includes any person receiving electrical energy for the use of such person's tenants.

III. "Consuming" or "consumption" means the utilization or employment of electrical energy. The terms does not include the utilization or employment of electrical energy in the manufacture, production, generation, distribution, redistribution, or transmission of electrical energy.

IV. "Department" means the department of revenue administration.

V. "Provider" means any person, including governmental units, distributing, redistributing, or transmitting electrical energy for consumption in this state. The term does not include persons who redistribute electrical energy solely for the use of their tenants and who are consumers pursuant to RSA 83-E:1, II.

VI. "Taxable month" means a calendar month in which electrical energy is provided to a consumer for which a tax is owed to the state by the consumer.

83-E:2 Imposition of Tax. A tax is imposed on the consumption in this state of electrical energy at the rate of \$.00055 per kilowatt hour.

83-E:3 Collection of Tax. Every provider shall collect and monthly remit the tax to the state as provided in RSA 83-E:5. Providers whose average monthly tax collections do not exceed \$100 may apply to the commissioner to remit taxes annually. Approval of such requests shall be at the discretion of the commissioner.

83-E:4 Liability for Tax.

I. Every consumer shall be liable for the tax and such liability shall not be extinguished until the tax has been paid to the state, except that payment to a provider required to collect the tax pursuant to RSA 83-E:3 is sufficient to relieve the consumer from further liability for the tax.

II. Any tax required to be collected, and any tax received by a provider, shall become a personal debt of the provider until paid to the state. The provider shall be relieved of further liability for such taxes in the event that the tax is paid directly to the state by the consumer or another person.

83-E:5 Tax Returns.

I. Except as provided in this section, on or before the fifteenth day of each second month following a taxable month, each provider maintaining a place of business or having transmission or distribution property in this state shall make a return to the department for the taxable month on a form prescribed by the department.

II. Any provider who has applied for and been granted permission to remit taxes annually shall file a return for each calendar year on or before February 15 of the following calendar year.

III. Any provider who ceases to engage in distributing, redistributing, or transmitting electrical energy for consumption, and is thereby not responsible for filing returns under this chapter, shall file a final return with the department not more than one month after discontinuing such activity. This requirement shall apply notwithstanding any other provision of this chapter regarding the time within which to file a return.

IV. In making a return, providers shall determine the value of any non-monetary consideration received by them and shall include such value in their return. Such determination shall be subject to review and revision by the department in the manner provided in this chapter for the correction of returns.

V. If the commissioner finds that the information required for the making of an accurate return cannot reasonably be compiled by a provider within one month and 15 days after the close of the taxable month for which a return is to be made, the commissioner may grant an extension of time for the filing of such return. Any such extension shall be granted for a period not to exceed 31 calendar days. The granting of such extension may be conditioned upon the payment by the provider of an amount of money equal to the amount estimated by the commissioner to be due with the return when filed under extension. All such estimated payments shall be credited against the provider's liabilities under this chapter.

VI. The provider shall pay to the department the amount of tax imposed by this chapter at the time it makes a return.

**83-E:6 Tax Returns by Consumer.**

I. Consumers may apply for permission to pay tax directly to the state. Direct payment shall be at the commissioner's discretion.

II. When a consumer does not pay the tax imposed by this chapter to a provider, such consumer shall file a return with the department and pay the tax upon the amount of electricity consumed during the taxable month. Such return and payment shall be due by the fifteenth day of the second month following the taxable month. The return shall be filed on a form prescribed by the department and shall contain such information as the department may reasonably require.

III. When a consumer pays a tax imposed by this chapter directly to the department, the department, upon request from such consumer, shall issue an appropriate receipt to the consumer showing that the tax has been paid. Such receipt shall be sufficient to relieve the consumer from further liability for the amount of tax to which such receipt may refer.

**83-E:7 Instruments, Books, Records, Papers, and Other Documents.**

I. Every provider liable for collection of tax under this chapter shall provide and keep the necessary instruments and records to show the amount expressed in kilowatt hours of electrical energy distributed, redistributed, or transmitted by such provider for consumption in this state. Every consumer making direct tax payments to the department shall provide and keep the necessary instruments and records to show the amount expressed in kilowatt hours of electrical energy consumed by such consumer.

II. Every provider maintaining a place of business in this state or required to file or actually filing in this state under this chapter and every consumer making direct tax payments to the department under this chapter shall keep books, records, papers, and other documents which are adequate to reflect the information required by this chapter to be reported to the department by the filing of timely returns with the department.

III. All instruments, books, records, and other papers and documents required to be kept by this chapter shall, at all times during business hours of the day, be subject to inspection by the department.

**83-E:8 Additional Returns.** When the commissioner has reason to believe that a provider has failed to file a return or to include any part of the total kilowatt hours distributed, redistributed, or transmitted by such provider for consumption in this state in a filed return, the commissioner may require the provider to file a return or a supplementary return showing such additional information as the commissioner prescribes. Upon the receipt of the supplementary return, or if none is received within the time set by the commissioner, the commissioner may find and assess the amount due upon the information that is available. The making of such additional return does not relieve the provider of any penalty for failure to make a correct original return, or relieve it from liability for interest imposed under RSA 21-J:28 or for any other additional charges imposed by the commissioner. This section shall not be construed to modify or extend the statute of limitations provided in RSA 21-J:29.

**83-E:9 Administration; Rulemaking.**

I. The commissioner shall collect the taxes imposed under this chapter, interest on tax, additions to tax and penalties imposed, and pay over to the state treasurer the amount of funds collected under this chapter.

II. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) The form of the return and the data which it must contain for the correct computation of the number of kilowatt hours of electricity consumption in this state and the tax assessed.

(b) The administration of the electricity consumption tax.

(c) The recovery of any tax, interest on tax, additions to tax, or penalties imposed by RSA 83-E or RSA 21-J.

**83-E:10 Tax Sales.** The provisions of RSA 80:26 apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated.

83-E:11 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

5 Repeal. RSA 83-C, relative to the franchise tax, is repealed.

6 Contingency.

I. If the statewide electric utility industry restructuring plan issued by order of the public utilities commission relative to competitive electric utility service requirements has not been implemented on or before January 1, 1998, this act shall take effect 30 days after the public utility commission shall certify to the commissioner of revenue administration that it has begun implementing such order or any subsequent order relative thereto, except as provided in paragraphs II and III. A final return and payment of any taxes due under RSA 83-C shall be filed on or before the fifteenth day of the third month following the repeal of RSA 83-C by any person subject to such chapter. Such return and payment shall be made in accordance with the requirements of RSA 83-C as if that chapter remained in effect. The credit for taxes paid pursuant to RSA 83-C under RSA 77-A:5, I shall be extended to such taxes paid for any tax period ending after December 31, 1997, resulting from the application of this paragraph.

II. If the statewide electric utility industry restructuring plan issued by order of the public utility commission relative to competitive electric utility service requirements has been implemented before January 1, 1998, this act shall take effect January 1, 1998.

III. If this act becomes effective pursuant to paragraph I or II of this section, the effective date as applied to customers of the Town of Ashland Electric Department shall be December 31, 2000; Littleton Water and Light Department shall be January 1, 2004; New Hampton Village Precinct Electric Department shall be December 31, 2000; Wolfeboro Municipal Electric Department shall be December 31, 2000; and Woodsville Water and Light Department shall be October 31, 2007, unless any such town terminates the power supply agreement it and its primary wholesale supplier has in effect as of April 1, 1997.

7 Effective Date. This act shall take effect as provided in section 6 of this act.

### AMENDED ANALYSIS

This bill repeals the franchise tax on electrical utilities and replaces it with a tax on electricity consumption.

The bill contains a contingency concerning its effective date to take into account the possibility that the restructuring plan issued by the public utility commission may not be implemented by January 1, 1998, and that several towns have ongoing contractual obligations.

Rep. Weyler yielded to questions.

Rep. Jeb Bradley spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**HB 731-FN-A-L**, relative to the taxation of sand, gravel, loam, and other similar substances. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: This bill establishes a gravel tax of \$.02 per yard of gravel removed, payable to the municipality. It replaces the discounted cash flow method. A two-year study preceded this bill. It dealt with many contentious issues and developed a compromise. Pit area is taxed at commercial rates, and overall rates will be no lower than they were in 1994. Vote 17-4.

### Amendment (0899h)

Amend RSA 72-B:12, I as inserted by section 2 of the bill by replacing it with the following:

I. The pit area, as defined in RSA 72-B:2, shall be determined as of April 1 each year. The owner or excavator shall furnish the local assessing officials such information as they may require to make such determination.

Adopted.

Rep. Wheeler yielded to questions.

Rep. Hall spoke against.

Rep. Weber requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 246 NAYS 132****YEAS 246****BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Lawton, Robert  
Turner, Robert

Boriso, Thomas  
Holbrook, Robert  
Pilliod, James  
Veazey, John

Boyce, Robert  
Laflam, Robert  
Rice, Thomas, Jr.  
Ziegler, Alice

Clark, Charles  
Lawton, David  
Rosen, Ralph

**CARROLL**

Babson, David, Jr.  
Foster, Robert  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

**CHESHIRE**

Avery, Stephen  
Lynott, Margaret  
Pratt, Irene  
Royce, H. Charles

Bonneau, Sarah  
Manning, Joseph  
Richardson, Barbara  
Smith, Edwin

Hunt, John  
Meader, David  
Riley, William  
Steere, Myron, III

Lynch, Margaret  
Metzger, Katherine  
Robertson, Timothy  
Vogl, John

**COOS**

Bradley, Paula  
Hawkinson, Marie  
Pratt, Leighton

Coulombe, Yvonne  
Horton, Lynn  
Tholl, John, Jr.

Davis, Perley  
Merrill, Gerald

Guay, Lawrence  
Moynihan, Wayne

**GRAFTON**

Almy, Susan  
Eaton, Stephanie  
Luker, Elsa  
Trelfa, Richard

Below, Clifton  
Ham, Bonnie  
MacNeil, Allen  
Williams, William, Jr.

Brown, Channing  
Hill, Richard  
Nordgren, Sharon

Chase, Paul, Jr.  
LaMott, Paul  
Teschner, Douglass

**HILLSBOROUGH**

Ackerman, Philip  
Amidon, Eleanor  
Burke, M. Virginia  
Carney, Lauren  
Cote, David  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Joseph  
Golding, William  
Herman, Keith  
Hunter, Bruce  
LaRose, Richard  
Lozeau, Donnalee  
McDonald, James, Sr.  
Morello, Michael  
Peterson, Andrew  
Welch, Donald

Allen, W. Gordon  
Asselin, Robert  
Calawa, Leon, Jr.  
Christiansen, Lars  
D'Allesandro, Lou  
Durham, Susan  
Fenton, James  
Foster, Linda  
Goulet, Maurice  
Holden, Carol  
Jean, Claudette  
Lefebvre, Roland  
MacAuslan, Rita  
Melcher, Harold  
Murphy, Robert  
Piteri, Dawn  
Wheeler, Robert

Alukonis, David  
Belvin, William  
Cardin, Lori  
Clay, Susan  
Daniels, Gary  
Dwyer, Paul, Sr.  
Ferguson, Charles  
Gagnon, Eugene  
Haley, Robert  
Holley, Sylvia  
Kelley, Robert  
Leishman, Peter  
MacGillivray, Jeffrey  
Mercer, Robert  
O'Hearn, Jane  
Sargent, Maxwell  
White, Donald

Ameen, W.  
Bergin, Peter  
Carlson, Donald  
Clemons, Jane  
Dawe, Eileen  
Dyer, Merton  
Fields, Dennis  
Ginsburg, Ruth  
Hart, Nick  
Holt, David  
Kurk, Neal  
Letendre, Evelyn  
McCarty, Winston  
Mittelman, David  
Perkins, Paul  
Vaillancourt, Steve  
White, Jay

**MERRIMACK**

Anderson, Eric  
Dunn, Miriam  
Hess, David  
Langer, Ray  
Maxfield, Roy  
Rogers, Katherine  
Whittemore, James

Brown, Mary  
Feuerstein, Martin  
Hoadley, Elizabeth  
Leber, William  
Nichols, Avis  
St. Cyr, Gerard

Chandler, Earle  
Gile, Mary  
Jacobson, Alf  
Lockwood, Robert  
Pfaff, Terence  
Wallner, Mary Jane

Crosby, Toni  
Hager, Elizabeth  
Krueger, Patricia  
Marshall, Kenneth  
Reardon, Tara  
Whalley, Michael

**ROCKINGHAM**

|                    |                     |                       |                     |
|--------------------|---------------------|-----------------------|---------------------|
| Abbott, Dennis     | Aranda, M. Kathryn  | Arndt, Janet          | Beaulieu, Jon       |
| Carson, Gregory    | Case, Margaret      | Christie, Andrew, Jr. | Clark, Martha       |
| Coes, Betsy        | Cooney, Richard     | Cote, Patricia        | Dearborn, Bruce     |
| Dodge, Robert      | Dolan, Richard      | Dowd, Sandra          | Dowling, Patricia   |
| Dorning, Michael   | Dube, LeRoy         | Dunham, Vivian        | Felch, Charles, Sr. |
| Flanagan, Natalie  | Flanders, David     | Flanders, John, Sr.   | Francoeur, Sheila   |
| Frechette, Joseph  | Gibbons, Paul       | Gleason, John         | Griffin, Mary       |
| Heath, John        | Henderson, Warren   | Hutchinson, Rebecca   | Johnson, Robert     |
| Kane, Cecelia      | Katsakiores, George | Katsakiores, Phyllis  | Klemm, Arthur, Jr.  |
| Kobel, Rudolph     | Langley, Jane       | Letourneau, Robert    | Lovejoy, Marian     |
| Major, Norman      | Malcolm, Kenneth    | McCarthy, John, Jr.   | McKinney, Betsy     |
| Millard, Ralph     | Moore, Benjamin     | Norelli, Terie        | Nowe, Ronald        |
| Packard, Sherman   | Schanda, Frank      | Stickney, Nancy       | Stone, Joseph       |
| Stritch, C. Donald | Syracusa, Anthony   | Tufts, J. Arthur      | Varrell, Thomas     |
| Vaughn, Charles    | Verani, Giovanni    | Welch, David          | Weyler, Kenneth     |
| Woods, Deborah     |                     |                       |                     |

**STRAFFORD**

|                  |                 |                  |                  |
|------------------|-----------------|------------------|------------------|
| Berube, Roger    | Brown, Julie    | Callaghan, Frank | Dunlap, Patricia |
| Estabrook, Iris  | Grassie, Anne   | Kaen, Naida      | Knowles, William |
| McKinley, Robert | Merrill, Amanda | Merritt, Deborah | Musler, George   |
| Rollo, Michael   | Smith, Marjorie | Snyder, Clair    | Spear, Barbara   |
| Torr, Franklin   | Tsiros, William | Vincent, Francis | Wall, Janet      |

**SULLIVAN**

|                  |                    |                |               |
|------------------|--------------------|----------------|---------------|
| Allison, David   | Burling, Peter     | Cloutier, John | Flint, Gordon |
| Schotanus, Merle | Wiggins, Celestine |                |               |

**NAYS 132****BELKNAP**

|              |                    |
|--------------|--------------------|
| Hurt, George | Salatiello, Thomas |
|--------------|--------------------|

**CARROLL**

Dickinson, Howard, Jr.

**CHESHIRE**

|                 |                    |                   |                   |
|-----------------|--------------------|-------------------|-------------------|
| Burnham, Daniel | Champagne, Richard | DePecol, Benjamin | Doucette, Richard |
| McGuirk, Paul   | McNamara, Wanda    | Pratt, John       | Russell, Ronald   |

**COOS**

|                 |              |                   |
|-----------------|--------------|-------------------|
| Coulombe, Henry | Mears, Edgar | St. Hilaire, Paul |
|-----------------|--------------|-------------------|

**GRAFTON**

|                    |                  |                |                    |
|--------------------|------------------|----------------|--------------------|
| Akins, Ralph       | Alger, John      | Cobbin, Philip | Copenhaver, Marion |
| Guaraldi, Lawrence | Guest, Robert    | Hinman, Harry  | Lovett, Sidney     |
| Mirski, Paul       | Phinney, William | Root, John     | Weber, Phil        |

**HILLSBOROUGH**

|                            |                       |                  |                   |
|----------------------------|-----------------------|------------------|-------------------|
| Arnold, Thomas, Jr.        | Baroody, Benjamin     | Batula, Peter    | Bernier, Shannon  |
| Boutin, David              | Briefs, Geoffrey      | Brundige, Robert | Buckley, Raymond  |
| Clegg, Robert, Jr.         | Clemons, Kevin, Sr.   | Cote, Peter      | Daigle, Robert    |
| Dokmo, Cynthia             | Flora, Kathleen       | Gage, Ruth       | Gosselin, Gerald  |
| Haettenschwiller, Alphonse | Hall, Betty           | Hansen, Herbert  | Healy, Daniel     |
| Jean, Loren                | Johnson, Lionel       | Kelly, Michael   | L'Heureux, Robert |
| Leonard, Peter             | Lessard, Rudy         | Luebker, Bernard | Lynde, Harold     |
| MacIntyre, Doris           | Marcinkowski, Michael | Martin, Mary     | McCarthy, William |

McGough, Tim  
Murch, George  
Thulander, O. Alan

McRae, Karen  
O'Rourke, Thomas  
Turgeon, Roland

Messier, Irene  
Pepino, Leo  
Williams, Carol

Milligan, Robert  
Reidy, Frank  
Wright, George

### MERRIMACK

Adams, Stephen  
Crowell, Peter  
French, Barbara  
Morrill, Olive  
Yeaton, Charles

Burney, Carol  
Daneault, Gabriel  
Larrabee, David  
Owen, Derek

Colburn, Kathleen  
DeStefano, Stephen  
Lavoie, Gerard  
Seldin, Gloria

Colburn, Thomas  
Fraser, Marilyn  
Moore, Carol  
Wallin, Jean

### ROCKINGHAM

Battles-Peirce, Marjorie  
Cegelis, Mark  
Kelley, Jane  
Mikowski, Walter  
Pantelakos, Laura  
Simmons, John Anthony

Belanger, Ronald  
Cushing, Robert  
Langone, John  
Morris, Debbie  
Raynowska, Bernard  
Smith, Kevin

Blanchard, MaryAnn  
Fesh, Robert  
McGovern, Cynthia  
Noyes, Richard  
Rubin, George  
Weatherspoon, Jackie

Camm, Kevin  
Guthrie, Joseph  
Micklon, Stephanie  
O'Keefe, Patricia  
Sabella, Norma

### STRAFFORD

Bickford, David  
Hemon, Roland  
McCann, William, Jr.  
Taylor, Kathleen

Brennan, William  
Hilliard, Dana  
Pelletier, Arthur  
Twardus, Joseph

Brown, George  
Keans, Sandra  
Rogers, Rose Marie  
Vachon, Dennis

DeChane, Marlene  
Lundborn, Raymond  
Sullivan, Henry

### SULLIVAN

Adler, Rudolf  
Leone, Richard

Donovan, Thomas  
Lindblade, Eric

Ferland, Brenda  
Palmer, Lorraine

Kibbey, David

and the report was adopted.

Ordered to third reading.

Rep. Drabinowicz voted yea and intended to vote nay.

Rep. Ann Torr declared a conflict of interest and did not participate.

**HB 810-FN-A**, appropriating certain funds from the highway surplus account to the department of transportation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Earle W. Chandler for Finance: This bill appropriates \$5,000,000. from the highway surplus fund for Department of Transportation projects. This method allows an earlier start on the construction season than might otherwise be possible if awaiting full budget approval. Vote 21-0.

### Amendment (0995h)

Amend the bill by replacing all after the enacting clause with the following:

1 Transfer From Highway Surplus Account. Notwithstanding any provision of law to the contrary, and in addition to any other sums appropriated to the department of transportation for the fiscal year 1998, \$5,000,000 shall be appropriated and transferred from the highway surplus account to the department of transportation, project development division, non-matching funds, bet-terments/state bridge aid.

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill appropriates and transfers certain funds from the highway surplus account to the department of transportation.

Adopted.

Report adopted and ordered to third reading.

**HB 25-A**, making appropriations for capital improvements, establishing a committee to study federal buildings and patients needs relative to the veteran's home, and relative to the purposes of the health care transition fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. David J. Alukonis for Finance: The Committee is in general concurrence with the capital budget bill as crafted by the House Public Works Committee. It has, however, suggested a few

changes which are a result of new information which has been gained since the Public Works Committee acted on the bill. The amendment adds the Dover District Courthouse and removes funding for the Carroll County Superior Courthouse. This change is in accord with the court system's priority list and results in a net reduction in capital expenditures of \$672,000. The Dover Courthouse was funded because a site in Dover has just recently been selected and approved by the Court Accreditation Committee. The Committee also adjusted the funding for three projects in the Community Technical College System. The changes allow for the purchase of a student informational tracking system which was the system's number one priority. This \$1 million project was funded by adjusting the amounts funded for two other projects. The net change to the Community College System's capital budget is additional funding of \$100,000. The Finance Committee additionally funded the second phase computer implementation program in the Department of Education with \$485,000. This project was inadvertently omitted in the original capital budget bill. The Finance Committee also removed \$14,786,125 in funding for computer system initiatives in the Department of Health and Human Services due to technical issues in the funding mechanism. The funds will be included, and the unresolved technical issues addressed, in forthcoming legislation. Additionally, the Committee added several lapse dates and technical corrections to the capital budget that were suggested by the LBA. Vote 22-0.

### Amendment (0996h)

Amend the title of the bill by replacing it with the following:

**AN ACT** making appropriations for capital improvements and establishing a committee to study federal buildings and patients needs relative to the veterans' home.

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

#### I. Adjutant General.

|  |            |
|--|------------|
| A. Replace roofs-Manchester, Berlin  | \$ 175,000 |
| B. Re-roof organizational maintenance shop<br>and 3 motor vehicle storage buildings                | \$ 96,000  |
| Less federal   | - 72,000   |
| Net state appropriation subparagraph B   | \$ 24,000  |
| C. Re-roof Concord United States property and<br>fiscal office and organizational maintenance shop | \$ 88,000  |
| Less federal   | - 66,000   |
| Net state appropriation subparagraph C   | \$ 22,000  |
| Total state appropriation paragraph I  | \$ 221,000 |

#### II. Department of Administrative Services.

##### A. Bureau of General Services.

|   |            |
|---|------------|
| 1. Life Safety -health and human services building              | \$ 597,000 |
| 2. Fire suppression-state library                               | \$ 60,000  |
| 3. Life safety - state house annex                              | \$ 120,000 |
| 4. Roof repair - supreme court                                  | \$ 75,000  |
| 5. Roof repair - health and human services building             | \$ 85,000  |
| 6. Electrical system upgrade - state house annex                | \$ 50,000  |
| 7. Replace unsafe flooring - health and human services building | \$ 500,000 |
| 8. Repair windows - state house annex                           | \$ 52,000  |
| 9. Energy savings - health and human services building *        | \$ 337,189 |
| 10. Electrical system upgrade - state house                     | \$ 85,000  |
| 11. Electrical system upgrade - state library                   | \$ 128,000 |
| 12. Repair drainage system - state library                      | \$ 100,000 |
| 13. Parking garage repairs - legislative office building        | \$ 60,000  |
| 14. Parking garage repairs - Storrs Street                      | \$ 160,000 |
| 15. Emergency repairs, contingency fund                         | \$ 100,000 |

Total state appropriation subparagraph A \$ 2,509,189

The funds appropriated in subparagraph II, A, 15 for emergency repairs, contingency fund, shall not be spent, obligated, or encumbered until such time as the department has received approval for an emergency repair from the capital budget overview committee.

B. Financial Data Management.

|  |              |
|--|--------------|
| 1. LAN hardware and site preparation *   | \$ 950,000   |
| 2. Year 2000 financial system support *  | \$ 1,300,000 |
| 3. Check processing and mailing system * | \$ 193,000   |

Total state appropriation subparagraph B \$ 2,443,000

C. Bureau of Court Facilities.

|   |              |
|---|--------------|
| 1. Dover/Durham/Somersworth District Court    | \$ 3,328,000 |
| 2. Design Jaffrey-Peterborough District Court | \$ 125,000   |

Total state appropriation subparagraph C \$ 3,453,000

Total state appropriation paragraph II \$ 8,405,189

The funds appropriated in subparagraph II, C, 1 and 2 shall not be expended until a site is chosen and acquired at no cost to the state.

III. Department of Corrections.

|  |            |
|--|------------|
| A. Upgrade hot water supply - Concord                    | \$ 98,000  |
| B. Replace roll-up doors - Concord                       | \$ 50,000  |
| C. Sprinkler system in gymnasium and auto shop - Concord | \$ 75,000  |
| D. Prison automation system *                            | \$ 750,000 |

Total state appropriation paragraph III \$ 973,000

IV. Community-technical college system.

|   |              |
|---|--------------|
| A. Roof projects - Manchester, Claremont, Nashua, Concord | \$ 786,300   |
| B. Window replacement/repair - Stratham                   | \$ 234,000   |
| C. Critical laboratory support for N.H. industries        | \$ 1,400,000 |
| D. Library support systems *                              | \$ 100,000   |
| E. Upgrade general science laboratories                   | \$ 100,000   |
| F. Student information tracking system *                  | \$ 1,000,000 |

Total state appropriation paragraph IV \$ 3,620,300

V. Department of Education.

|                                       |            |
|---------------------------------------|------------|
| A. Phase II Computer Implementation * | \$ 485,000 |
|---------------------------------------|------------|

Total state appropriation paragraph V \$ 485,000

VI. Department of Environmental Services.

|   |              |
|---|--------------|
| A. Waste water state revolving fund match                             | \$ 5,970,000 |
| B. Drinking water state revolving fund match                          | \$ 4,659,200 |
| C. Computer system upgrade *  | \$ 562,500   |
| D. Bedrock aquifer assessment   | \$ 437,410   |
| E. Winnepesaukee River basin supervisory control and data acquisition | \$ 2,034,600 |
| Less local  | - 1,627,680  |

Net state appropriation subparagraph E \$ 406,920

|                |            |
|----------------|------------|
| F. Dam removal | \$ 204,400 |
|----------------|------------|

Total state appropriation paragraph VI \$ 12,240,430

To provide funds for the local share of the costs in subparagraph V, E, the state treasurer is authorized to borrow upon the credit of the state not exceeding the sum of \$2,034,600 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payments of principal and interest on the bonds issued under this subparagraph for the \$1,627,680 local share shall be made when due from the special fund established by RSA 485-A:50, VI.

VII. Department of Health and Human Services Commissioner's Office.

|   |            |
|---|------------|
| A. Medical and surgical building life/safety improvements |            |
| - NH hospital   | \$ 200,000 |
| B. Acute psychiatric service building parking improvement |            |
| - NH hospital   | \$ 400,000 |
| C. Roof repairs medical and surgical building,            |            |
| Thayer, Koutras - NH hospital                             | \$ 185,000 |

|  |              |
|--|--------------|
| D. Water and sewage system - Glenclyff                       | \$ 250,000   |
| E. Repair tunnel retaining walls -Glenclyff                  | \$ 100,000   |
| F. Brown building addition and renovation - Glenclyff        | \$ 3,870,000 |
| G. Porch renovations - Glenclyff                             | \$ 200,000   |
| H. Flooring replacements - Glenclyff                         | \$ 90,000    |
| I. Parking garage and windows - Brown building - NH hospital | \$ 5,600,000 |
| J. Public health laboratory safety equipment                 | \$ 321,500   |

Total state appropriation paragraph VII \$ 11,216,500

For the sums appropriated in subparagraph I, the state is assisting in infrastructure improvements with the city of Concord.

VIII. Liquor Commission.

|                                     |              |
|-------------------------------------|--------------|
| A. Complete Hampton south restrooms | \$ 400,000   |
| B. Point-of-sale registers *        | \$ 2,485,000 |
| C. Replace brick on warehouse       | \$ 150,000   |

Total state appropriation paragraph VIII \$ 3,035,000

IX. Port Authority.

|                           |              |
|---------------------------|--------------|
| A. Mooring bollard        | \$ 130,000   |
| B. Replacement fenders    | \$ 185,000   |
| C. Dredging Little Harbor | \$ 1,040,000 |
| Less federal              | - 1,000,000  |

Net state appropriation subparagraph C \$ 40,000

Total state appropriation paragraph IX \$ 355,000

X. Department of Resources and Economic Development.

|   |            |
|---|------------|
| A. ADA compliance for parks facilities        | \$ 70,000  |
| B. Repair Rocky Bend seawall                  | \$ 300,000 |
| C. Replace bath house - Sunapee               | \$ 150,000 |
| D. Replace bridge - Lafayette campground      | \$ 95,000  |
| E. Complete Mt. Washington siding and windows | \$ 225,000 |
| F. Toilet/Shower building - Lake Francis      | \$ 125,000 |

Total state appropriation paragraph X \$ 965,000

XI. Department of Safety.

|                               |              |
|-------------------------------|--------------|
| A. Microwave system upgrade * | \$ 2,000,000 |
|-------------------------------|--------------|

Total state appropriation paragraph XI \$ 2,000,000

XII. Secretary of State

|   |           |
|---|-----------|
| A. Shelves in records and archives building - Concord | \$ 65,000 |
|---|-----------|

Total state appropriation paragraph XII \$ 65,000

XIII. Department of Transportation.

|  |              |
|--|--------------|
| A. 5-10 percent match FAA airport projects | \$ 2,500,000 |
| B. Statewide fuel tank inspection          | \$ 100,000   |

Total state appropriation paragraph XIII \$ 2,600,000

XIV. N.H. Veterans Home.

|  |           |
|--|-----------|
| A. Replace 25 mechanical hospital beds *     | \$ 35,000 |
| B. Rebuild Welch kitchenette and equipment * | \$ 15,000 |
| C. Replace laundry equipment *               | \$ 17,400 |
| D. Replace kitchen equipment *               | \$ 24,100 |
| E. Replace Tarr North hot water tank *       | \$ 20,000 |

Total state appropriation paragraph XIV \$ 111,500

XV. Youth development services.

|                              |              |
|------------------------------|--------------|
| A. Sewer line - YDC          | \$ 104,000   |
| B. Water mains - YDC         | \$ 493,000   |
| C. Roofing projects - YDC    | \$ 375,000   |
| D. Renovate Pine Crest - YDC | \$ 1,000,000 |

Total state appropriation paragraph XV \$ 1,972,000

Total state appropriation section 1 \$ 48,264,919

\* The bonds issued for these projects shall be 5-year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

|  |               |
|--|---------------|
| I. Addition to former Young building - Keene       | \$ 5,400,000  |
| II. Mason library renovation and expansion - Keene | \$ 4,100,000  |
| III. Pettee hall general renovations - Durham      | \$ 3,600,000  |
| Total state appropriation section 2                | \$ 13,100,000 |

3 Appropriation; Department of Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

|                                       |            |
|---------------------------------------|------------|
| I. Headquarters building modification | \$ 125,000 |
| II. Statewide digital radio system *  | \$ 750,000 |
| Total state appropriation section 3   | \$ 875,000 |

The funds appropriated in paragraph I for headquarters building modifications shall not be spent, obligated, or encumbered until the department has developed an implementation schedule and received the approval of such schedule from the capital budget overview committee.

\* The bonds issued for these projects shall be 5-year bonds.

4 Appropriation; Department of Transportation and Department of Safety. The sums hereinafter detailed are hereby appropriated for the projects specified:

|  |              |
|--|--------------|
| I. Department of Transportation        |              |
| A. John O. Morton building renovation  | \$ 3,900,000 |
| Total state appropriation paragraph I  | \$ 3,900,000 |
| II. Department of safety               |              |
| A. Dover Point Substation addition     | \$ 195,000   |
| B. Warehouse/Epping station            | \$ 195,000   |
| C. Microwave system upgrade *          | \$ 500,000   |
| Total state appropriation paragraph II | \$ 890,000   |
| Total state appropriation section 4    | \$ 4,790,000 |

\* The bonds issued for these projects shall be 5-year bonds.

5 Expenditures; General. The appropriations made for the purposes mentioned in sections 1, 3 and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a

contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

V. Notwithstanding paragraphs I, III and IV, the sums appropriated by section 2, paragraphs II and III of this act for the Mason library renovation and expansion in Keene and the Pettie hall renovations in Durham, may be expended and awarded by the trustees of the university system; provided that all contracts for all or any part of the building or facilities shall follow construction management procurement procedures and guidelines. If the trustees select construction management pursuant to this paragraph, paragraphs I, III and IV shall not apply and the trustees shall retain the right to reject or negotiate following accepted construction management practices.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 of this act, except such land, if any, as may be acquired under the appropriation for the department of environmental services, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$67,029,919 and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 3 shall be made when due from the fish and game fund.

(b) Section 4 shall be made when due from the highway fund.

10 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of bonds and notes issued for the purpose of section 2.

11 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of this act.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

12 Transfers. The individual project appropriations, as provided in sections 1, 3 and 4 shall not be transferred or expended for any other purpose; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section. The individual project appropriations provided in section 2 shall not be transferred, or expended pursuant to section 6, for any other purpose unless approval has been obtained from the capital budget overview committee.

13 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3 and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

14 Information Technology Equipment and Software. Individual project appropriations for information technology equipment provided for by sections 1, 3, or 4 shall not be spent, obligated, or encumbered until such time as the agency's information technology plans are reviewed by the office of information technology pursuant to RSA 21-I:67 and approved by the capital budget overview committee, and the governor and council.

# 15 Appropriation; Bonds Authorized; Transfer of Funds; Statues on State House Grounds.

I. The sum of \$50,000 is appropriated to the joint legislative historical committee established in RSA 17-1:1 for the purpose of the repair and reconditioning of the statues on state house grounds.

## II. To provide funds for the appropriation made in paragraph I:

(a) The state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$36,840 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for such project shall be made when due from the historical fund established in RSA 177:8, II. The bonds shall be 10-year bonds.

(b) The sum of \$13,160 is hereby transferred from funds held by the department of administrative services from the insurance settlement for the Daniel Webster statue to the joint legislative historical committee for the purposes of this section.

## 16 Committee Established.

I. There is established a committee to study the issue of federal buildings and patients' needs relative to the New Hampshire veterans' home.

## II. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee. The committee shall elect a chair from among its members.

IV. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

## 17 Increased Bond Authorization; Dam Maintenance Fund. Amend RSA 482:56 to read as follows:

482:56 Bonds Authorized. To provide working capital for initiation of the fund established in RSA 482:55, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of ~~[\$7,900,000]~~ **\$9,800,000** and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

18 Appropriation Extended; Date Changed; Resources and Economic Development. Amend 1993, 349:18, III as inserted by 1995, 285:2 to read as follows:

III. The appropriation contained in paragraph I shall not lapse until June 30, ~~[1997]~~ **1999**. Any balances remaining as of June 30, ~~[1995]~~ **1997**, shall be allocated by the review committee or budgeted within the state operating budget for the purposes of paragraph I or other economic initiatives and programs.

19 Appropriation Purpose Amended; Resources and Economic Development. Amend 1993, 359:1, IX, C, 4 as extended by 1994, 171:1 and 1996, 190:11 to read as follows:

4. Septic systems- ~~[Weeks/Wentworth]~~ **state parks** 150,000

20 Appropriation Purpose Amended; Appropriation Increased; Department of Transportation. Amend 1990, 200:10 and 11 to read as follows:

200:11 Appropriation. The sum of ~~[\$3,000,000]~~ **\$5,000,000** is hereby appropriated to the commissioner of the department of transportation for the purchase of rail properties as defined by RSA 228:54, VIII including, but not limited to, abandoned railroad rights-of-way under RSA 228:60-a **and for the purchase of privately-owned airports offered for sale to the state under RSA 422:46. The commissioner may purchase active railroad rights-of-way under RSA 228:60-a only after approval is obtained from the capital budget overview committee.** This appropriation shall be nonlapsing.

200:11 Bonds Authorized. To provide funds for the appropriation made in section 10 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$3,000,000]~~ **\$5,000,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general funds of the state.

21 Hanover-Lebanon District Court; Appropriation Increased. Amend 1992, 289:27 and 28, as amended by 1993, 359:17, 1995, 309:16, and 1996, 190:13 to read as follows:

289:27 Department of Administrative Services; Hanover-Lebanon District Court Capital Appropriation. The sum of ~~[\$1,550,000]~~ **\$1,590,000** is hereby appropriated to the department of administrative services for the purpose of acquiring, purchasing, entering into a lease purchase agree-

ment, or leasing land or buildings or land and buildings and to construct or renovate, and furnish such buildings as is necessary to establish the Hanover-Lebanon district court. The department of administrative services is authorized to negotiate the acquisition, purchase, or lease of such land and buildings within the limits of the appropriated amount. A resulting purchase contract shall receive such review and approval as required by state law. This appropriation is in addition to any other funds appropriated to the department of administrative services.

289:28 Bonds Authorized. To provide funds for the total of the appropriation of state funds made in section 27 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$1,550,000~~] **\$1,590,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for such project shall be made when due from the general funds of the state.

22 Reduce Appropriation; Lancaster Court Facility. Amend 1995, 309:1, II, B, 1, as amended by 1996, 190:14, to read as follows:

1. New court facility - Lancaster **[\$3,850,000] \$ 3,810,000**

23 Total Adjusted. Amend 1995, 309:1, II, B, total state appropriation subparagraph B, as amended by 1996, 190:15, to read as follows:

Total state appropriation subparagraph B **[\$4,150,000] \$ 4,110,000**

24 Total Adjusted. Amend 1995, 309:1, II, total state appropriation paragraph II as amended by 1996, 190:16, to read as follows:

Total state appropriation paragraph II **[\$11,484,000] \$ 11,444,000**

25 Total Adjusted. Amend 1995, 309:1, total state appropriation section 1, as amended by 1996, 190:17, to read as follows:

Total state appropriation section 1 **[\$48,661,192] \$ 48,621,192**

26 Bonds Authorized; Total Adjusted. Amend 1995, 309:8, as amended by 1996, 190:18, to read as follows:

309:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$57,835,592~~] **\$57,795,592** and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

27 Health and Human Services; Automated Case Management Information System; Federal Amount Increased. Amend 1993, 359:1, V,C,5 as amended by 1995, 309:17 and 1995, 310:189 to read as follows:

5. Case management system **[\$14,997,830] \$ 21,148,694**

Less federal - **[8,292,403] 14,443,267**

Net state appropriation subparagraph 5 **\$ 6,705,427**

28 Department of Corrections; Toll Building Roof Project. The department of corrections is authorized to use the unexpended balance of \$41,000 appropriated in 1995, 309:1, IV, I for resurfacing the laundry building roof-lakes region facility, for the replacement of the Toll building roof system, lakes region facility.

29 Appropriation Purpose Amended; Department of Environmental Services. Amend 1989, 367:1, IV, A, 1 as extended by 1991, 351:27, II(g) and 1992, 149:2, I and 1993, 359:20, I to read as follows:

1. Small watershed programs

**and acquisition of land at state-owned dam sites \$ 100,000**

30 Lapse Dates Extended to June 30, 1999. The following appropriations are hereby extended to June 30, 1999.

I. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 1, as amended by 1991, 351:27, II(l) and 1992, 289:60, as extended by 1993, 359:20, V, 1995, 309:32, VII, and 1996, 215:3, I for improvements at the Keene Dillant-Hopkins airport.

II. The appropriation to the department of resources and economic development in 1991, 4:22, as amended by 1992, 289:26, 1993, 358:18, and 1995, 285:1 for the New Hampshire economic development fund.

III. The appropriation made to the university of New Hampshire in 1992, 260:16, as extended by 1995, 309:33, VIII for the design and site planning for a research facility on the site of the former Pease Air Force Base.

IV. The appropriation made to the department of transportation in 1992, 289:21, as extended by 1993, 359:20, III, 1995, 309:32, VI, and 1996, 215:3, II for the purpose of general aviation apron expansion and construction of a taxiway to runway 36 at the Lebanon airport.

V. The appropriation made to the department of administrative services by 1992, 289:27 as amended by 1993, 359:7, 1995, 309:16 and by section 21 of this act, for Hanover-Lebanon District Court.

VI. The appropriation made to the department of health and human services in 1993, 359:1, V, B, 4, as extended by 1994, 171:1, and as amended by 1995, 309:15, for life and safety renovations for the Glencliff Home.

VII. The appropriation made to the department of resources and economic development in 1993, 359:1, IX, C, 4, as extended by 1994, 171:1 and 1996, 190:11, and as amended by section 19 of this act for state park septic systems.

VIII. The appropriation made to the department of health and human services in 1993, 359:1, V, C, 5 as extended by 1994, 171:1 and as amended by 1995, 309:17, 1995, 310:189 and by section 27 of this act, for automated case management information system.

IX. The appropriation made to the department of safety in 1993, 359:1, XI, B, as extended by 1994, 171:1, and as amended by 1994, 382:7 and 1995, 309:22, for fire standards and training dormitory.

X. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1 and 1996, 215:3, III for land acquisition for navigation beacons.

XI. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 1, for the health and human services building and laboratory HVAC renovations.

XII. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 2, for replacing of variable speed drives in laboratory.

XIII. The appropriation made to the department of administrative services in 1995, 309:1, II, B, 2, for study and design of court facility-Dover/Durham district court.

XIV. The appropriation made to the department of corrections in 1995, 309:1, IV, A, to upgrade electronic perimeter fence security system, N.H. state prison-Concord.

XV. The appropriation made to the department of corrections in 1995, 309:1, IV, I, for resurfacing laundry building roof-lakes region facility.

XVI. The appropriation made to the department of corrections in 1995, 309:1, IV, K for preliminary design of expanded correctional facilities in accordance with federal crime bill grants.

XVII. The appropriation made to the department of corrections in 1995, 309:1, IV, L, for construction of boilers, N.H. state prison for women - Goffstown.

XVIII. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, 1, for RSA 171-B mentally retarded criminal offenders.

XIX. The appropriation made to the department of health and human services by 1995, 309:1, VII, C, 1 for life and safety renovations - Glencliff.

XX. The appropriation made to the port authority in 1995, 309:1, X, A, for Pier surface repair.

XXI. The appropriations made to the department of resources and economic development in 1995, 309:1, XII, A, 2-4, for Sunapee/Cannon lift and ski area repairs, construction of recreational vehicle dump sites, and repair of Androscoggin bridge abutments.

XXII. The appropriation made to the department of safety in 1995, 309:1, XIII, A, 1, for fire academy - ladder training tower - Concord.

XXIII. The appropriation made to the department of safety in 1995, 309:1, XIII, A, 2, for fire academy - commercial building - Concord.

XXIV. The appropriation made to the department of transportation in 1995, 309:1, XV, B, for renovations to state-owned facilities for ADA compliance-statewide.

XXV. The appropriation made to the department of transportation in 1995, 309:1, XV, C, for 5-10 percent match for FAA project-statewide.

XXVI. The appropriation made to the university system of New Hampshire in 1995, 309:2, B, for renovation, deferred maintenance and code compliance.

XXVII. The appropriation made to the department of transportation in 1995, 309:4, I, A, for radio system upgrade - statewide.

XXVIII. The appropriation made to the department of health and human services by 1995, 310:191 for design and renovation of APS-B-wing and M and S building safety improvements.

XXIX. The appropriation made to the department of environmental services in 1995, 309:1, VI, A for state revolving fund program - wastewater.

XXX. The appropriation made to the department of environmental services in 1995, 309:1, VI, B for state revolving fund program-drinking water.

XXXI. The appropriation made to the department of environmental services in 1995, 309:1, VI, C for superfund program.

XXXII. The appropriation made to the department of environmental services in 1995, 309:1, VI, F for bedrock aquifer mapping.

XXXIII. The appropriation made to the department of administrative services in 1995, 309:1, II, B, 3 for study and design of court facility on county donated land - Carroll County superior court.

XXXIV. The appropriation made to the department of transportation in 1995, 309:1, XV, A, for underground tank replacement - statewide.

31 Effective Date.

I. Section 30 of this act shall take effect June 30, 1997.

II. The remainder of this act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill makes appropriations for capital improvements for the biennium and extends certain lapse dates and establishes a committee to study federal buildings and patient needs relative to the veterans' home.

Rep. Welch yielded to questions.

Rep. Cushing spoke against.

Rep. Alukonis spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

**HB 50-FN-A-L**, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Kenneth L. Weyler for the Majority of Finance: The amendment to HB 50 meets the intended goal of improving access to kindergarten for New Hampshire children. The amendment sets state payments to school districts with approved kindergarten programs at a level which will more likely be sustained in future years and reflects current law, \$500 per child. The amendment creates a limited time incentive of \$1,250 per child for those districts which implement kindergarten programs after July 1, 1997. The incentive ends after three years, at which time such districts would receive the same \$500 per child rate as other districts. The amendment provides for qualified districts to receive state building aid at the 75% rate for kindergarten construction. The amendment does not permit the 100% state bonded construction grants envisioned by the original bill. The majority believes that this program will permit New Hampshire to responsibly address the issue of kindergarten access without establishing programs which would compete with or compromise existing state commitments. Vote 13-8.

Rep. Mary Jane Wallner for the Minority of Finance: Governor Shaheen presented a balanced, fair and well thought-out plan. The children of New Hampshire deserve the passage of this bill as originally proposed. Every child in New Hampshire is entitled to equal state support for kindergarten. The amendment makes drastic cuts to the Governor's proposal at a time when we should be investing in our most valuable resource, our children.

### Amendment (0955h)

Amend the title of the bill by replacing it with the following:

**AN ACT** increasing aid for kindergarten programs.

Amend the bill by replacing all after the enacting clause with the following:

1 Kindergarten Incentive Aid; School Building Aid Increased. Amend RSA 198:15-i, II to read as follows:

II. Those districts eligible to receive kindergarten incentive aid under RSA 198:15-j shall receive an increase in school building aid to which they would otherwise be entitled under RSA 198:15-b equal to ~~[20 percent]~~ *an amount which would increase the state share of the new kindergarten construction or renovation cost to 75 percent* of the annual amount of the payment of

principal for the cost of construction or renovation of classrooms made necessary by the kindergarten program. A school district shall be eligible to receive the increased building aid so long as such district maintains a public kindergarten program.

2 Subdivision Heading Revised. The subdivision heading preceding RSA 198:15-l is repealed and reenacted to read as follows:

Kindergarten Aid; Alternative Kindergarten Programs

3 Kindergarten Aid; Aid Increased as Incentive to Establish Kindergarten; Eligibility. Amend RSA 198:15-l to read as follows:

198:15-l Kindergarten Aid.

1.(a) There is established a kindergarten aid program through which the department of education shall pay annually for financial assistance to local school districts.

(b) The sum of \$500 per eligible kindergarten pupil who resides in the district and attends a public kindergarten ~~[in]~~ *shall be paid annually to* those districts that provide and maintain a public kindergarten program. These funds shall *also* be provided *annually* to districts that ~~[send to or]~~ contract with other established public kindergarten programs for *the education of* their ~~[local]~~ resident kindergarten pupils *or have an approved alternative kindergarten program established in accordance with the provisions of RSA 198:15-n.*

(c) *In lieu of the sums provided under RSA 198:15-l, I(b), the sum of \$1,250 per eligible kindergarten pupil who resides in the district and attends public kindergarten shall be paid annually for 3 consecutive years to those districts that initially implement a public kindergarten program between July 1, 1997 and July 1, 2000. These funds shall also be provided annually for 3 consecutive years to districts that contract between July 1, 1997 and July 1, 2000 with other established public kindergarten programs for the education of their resident kindergarten pupils or have an approved alternative kindergarten program established between July 1, 1997 and July 1, 2000 in accordance with the provisions of RSA 198:15-n. After the first 3 years of the kindergarten program the local district shall become eligible for the \$500 annual payment pursuant to RSA 198:15-l, I(b).*

II. For purposes of ~~[receiving public kindergarten aid under]~~ this ~~[section]~~ *subdivision*, to "provide and maintain a public kindergarten program" means:

(a) To operate a kindergarten program within an approved public school maintained by the local school district; or

(b) To pay tuition on behalf of resident pupils to a kindergarten program ~~[operated by another]~~ *in an approved* public school *operated by another* district in this state or, when distance or transportation make it necessary, in another state.

III.(a) In order to qualify for kindergarten aid, ~~[local district]~~ kindergarten programs shall meet New Hampshire minimum standards for *the* approval of schools, *as well as the eligibility criteria established in RSA 198:15-m, I.*

(b) A charter school kindergarten ~~[programs]~~ *program* shall qualify *a pupil's resident district to receive [for]* kindergarten aid *for such pupil.*

4 Eligibility Criteria; Administration of Kindergarten Aid Program. RSA 198:15-m - 198:15-p are repealed and reenacted to read as follows:

198:15-m Eligibility Criteria; Administration.

I. In addition to any other requirements established in this subdivision, in order to be eligible for annual kindergarten aid payments, a kindergarten program provided by a school district, in accordance with the provisions of RSA 198:15-l or RSA 198:15-n, shall be:

(a) Offered immediately preceding the other elementary grades.

(b) Designed primarily for 5-year-olds.

(c) Available at district expense to all kindergarten-aged children who reside in the district.

II. The department of education shall administer the kindergarten aid program and shall be responsible for the following:

(a) Providing educational services, including technical assistance and training, to school districts in establishing and maintaining effective kindergarten programs.

(b) Assisting districts in the development of plans, including plans for alternative kindergarten programs, for making public kindergarten available to resident pupils.

(c) Developing and maintaining a list of recommended furnishings and equipment for kindergarten classrooms.

(d) Determining the number of eligible kindergarten pupils who reside in a district by collecting kindergarten enrollment data on October 1 of each school year.

(e) Calculating a district's annual kindergarten aid entitlement by multiplying the amount of the per-pupil kindergarten aid payment times the number of eligible kindergarten pupils who reside in a district and who are actually enrolled in a public kindergarten or alternative kindergarten program.

(f) Distributing kindergarten aid payments to eligible districts on or before January 1 of each state fiscal year.

III. If in any state fiscal year the amount appropriated for kindergarten aid in accordance with this subdivision is insufficient, the payment due on January 1 shall be prorated proportionally based on entitlements among the school districts eligible for aid payments. It shall be the duty of the department of education to request a supplemental appropriation sufficient to pay each district's full entitlement. If such additional funds are appropriated, the department of education shall promptly pay the remaining balance due each eligible school district.

198:15-n Alternative Kindergarten Programs.

I. A school district that currently does not operate a kindergarten program within an approved public school maintained by the local district or currently does not contract with another established public kindergarten program for the education of its resident kindergarten pupils, may develop a local plan for an alternative kindergarten program based upon contractual arrangements with one or more nonpublic, non-sectarian schools or facilities.

II. An alternative kindergarten program must satisfy the same criteria established for public kindergarten programs in the New Hampshire minimum standards for the approval of schools.

III. A local plan for an alternative kindergarten program must be approved by the school board and the voters of the district. The local plan shall be submitted to the department of education at times established by the commissioner of education.

IV. A local plan shall contain, at a minimum, the following information:

(a) A description of the alternative kindergarten program.

(b) An explanation of how the program meets the eligibility criteria established in RSA 198:15-m, I.

(c) A list of the nonpublic, non-sectarian schools or facilities to be utilized.

(d) Evidence that the alternative kindergarten program satisfies the same criteria established for public kindergarten programs in the New Hampshire minimum standards for the approval of schools.

(e) Procedures for coordinating and articulating curriculum, instruction, and support services provided under the alternative kindergarten program with curriculum, instruction, and support services provided in the other elementary grades.

(f) An explanation of how students will be transported to and from the schools or facilities to be utilized.

V. The plan shall be reviewed by the department of education for compliance with statutory requirements. Upon approval of an alternative kindergarten program by the commissioner of education, the school district shall be eligible for annual kindergarten aid payments under this subdivision.

VI. If an approved alternative kindergarten program utilizes more than one school or facility, the school board or the superintendent or other administrative officer designated by the school board may take into consideration parental preference when assigning students to schools or facilities in accordance with the provisions of RSA 193:14.

198:15-o Report. On or before September 1, 1998, and biennially thereafter, the commissioner of education shall prepare a report showing the results of the kindergarten aid program established in this subdivision and any other kindergarten incentive programs adopted by the legislature in achieving the purpose of making kindergarten programs available to all children in New Hampshire. Starting with the report due on or before September 1, 2002, the report shall include recommended steps to be taken to make kindergarten available to children who reside in any school district that still does not provide such a program. Reports shall be submitted to the governor and council, state board of education, speaker of the house, president of the senate, and the house and senate education and finance committees.

198:15-p Rulemaking. Rules adopted by the state board of education, pursuant to RSA 541-A and under the authority of RSA 21-N:9, I, relative to minimum standards for the approval of schools, shall apply to kindergarten programs operated by all nonpublic, non-sectarian schools included in an approved alternative kindergarten program.

5 New Section; Authorization for Special School District Meeting. Amend RSA 198 by inserting after section 15-p the following new section:

198:15-q Special School District Meetings for Kindergarten Implementation. Notwithstanding the provisions of RSA 197:3, a school district may call a special meeting only for the purposes of voting to raise or appropriate money for the implementation of a kindergarten program at the discretion of the school board.

6 Repeal. The following are repealed:

I. RSA 198:15-o, relative to the commissioner's report on kindergarten aid and incentive programs.

II. RSA 198:15-q, relative special school district meetings for kindergarten implementation.

7 Effective Date.

I. Paragraph I of section 6 of this act shall take effect September 30, 2004.

II. Paragraph II of section 6 of this act shall take effect December 31, 1997.

III. The remainder of this act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill increases school building aid for construction or renovation of kindergarten classrooms. The bill also increases aid for kindergarten programs. Programs established between July 1, 1997, and July 1, 2000, receive \$1,250 per eligible pupil for 3 years, and thereafter are eligible for the annual \$500 per eligible pupil payment.

Reps. Dickinson, Vaughn and Ann Torr spoke against.

Rep. Weyler spoke in favor and yielded to questions.

Reps. Schotanus and Jacobson spoke against and yielded to questions.

Reps. Tufts, Hager and Henderson spoke in favor.

Rep. Ann Torr requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

### YEAS 184 NAYS 199

#### YEAS 184

#### BELKNAP

|                  |                  |                   |                |
|------------------|------------------|-------------------|----------------|
| Bartlett, Gordon | Boriso, Thomas   | Boyce, Robert     | Clark, Charles |
| Golden, Paul     | Holbrook, Robert | Hurt, George      | Laflam, Robert |
| Lawton, David    | Lawton, Robert   | Rice, Thomas, Jr. | Rosen, Ralph   |
| Thomas, John     | Turner, Robert   | Veazey, John      | Ziegra, Alice  |

#### CARROLL

|                    |                   |                |                 |
|--------------------|-------------------|----------------|-----------------|
| Babson, David, Jr. | Bradley, Jeb      | Chandler, Gene | Cooper, Kipp    |
| Foster, Robert     | Howard, Godfrey   | Kenney, Joseph | Lyman, L. Randy |
| Patten, Betsey     | Philbrick, Donald |                |                 |

#### CHESHIRE

|              |                    |                    |                   |
|--------------|--------------------|--------------------|-------------------|
| Hunt, John   | McNamara, Wanda    | Metzger, Katherine | Royce, H. Charles |
| Smith, Edwin | Steere, Myron, III |                    |                   |

#### COOS

|                  |                |                 |                 |
|------------------|----------------|-----------------|-----------------|
| Davis, Perley    | Guay, Lawrence | Merrill, Gerald | Pratt, Leighton |
| Tholl, John, Jr. |                |                 |                 |

#### GRAFTON

|                  |                        |                    |                 |
|------------------|------------------------|--------------------|-----------------|
| Alger, John      | Brown, Channing        | Chase, Paul, Jr.   | Cobbin, Philip  |
| Eaton, Stephanie | Guaraldi, Lawrence     | Hill, Richard      | Hinman, Harry   |
| MacNeil, Allen   | Root, John             | Teschner, Douglass | Trelfa, Richard |
| Weber, Phil      | Williams, William, Jr. |                    |                 |

**HILLSBOROUGH**

|                    |                       |                     |                        |
|--------------------|-----------------------|---------------------|------------------------|
| Alukonis, David    | Amidon, Eleanor       | Arnold, Thomas, Jr. | Batula, Peter          |
| Belvin, William    | Bergin, Peter         | Briefs, Geoffrey    | Brundige, Robert       |
| Burke, M. Virginia | Calawa, Leon, Jr.     | Carlson, Donald     | Carney, Lauren         |
| Christiansen, Lars | Clay, Susan           | Clegg, Robert, Jr.  | Daniels, Gary          |
| Dokmo, Cynthia     | Durham, Susan         | Dyer, Merton        | Emerton, Lawrence, Sr. |
| Fenton, James      | Flora, Kathleen       | Gagnon, Eugene      | Golding, William       |
| Goulet, Maurice    | Hansen, Herbert       | Herman, Keith       | Holden, Carol          |
| Holley, Sylvia     | Holt, David           | Hunter, Bruce       | Jean, Loren            |
| Kelley, Robert     | Kurk, Neal            | L'Heureux, Robert   | LaRose, Richard        |
| Leishman, Peter    | Lessard, Rudy         | Letendre, Evelyn    | Lozeau, Donnalee       |
| Luebkert, Bernard  | MacGillivray, Jeffrey | MacIntyre, Doris    | Marcinkowski, Michael  |
| McCarty, Winston   | McGough, Tim          | McRae, Karen        | Mercer, Robert         |
| Milligan, Robert   | Mittelman, David      | Morello, Michael    | Murch, George          |
| O'Hearn, Jane      | Pepino, Leo           | Peterson, Andrew    | Piteri, Dawn           |
| Riley, Frances     | Sargent, Maxwell      | Thulander, O. Alan  | Wheeler, Robert        |
| Wright, George     |                       |                     |                        |

**MERRIMACK**

|                   |                  |                 |                   |
|-------------------|------------------|-----------------|-------------------|
| Adams, Stephen    | Brown, Mary      | Chandler, Earle | Colburn, Thomas   |
| Crowell, Peter    | Hager, Elizabeth | Hess, David     | Krueger, Patricia |
| Langer, Ray       | Larrabee, David  | Lavoie, Gerard  | Leber, William    |
| Marshall, Kenneth | Morrill, Olive   | Nichols, Avis   | Whittemore, James |

**ROCKINGHAM**

|                     |                       |                     |                       |
|---------------------|-----------------------|---------------------|-----------------------|
| Aranda, M. Kathryn  | Arndt, Janet          | Beaulieu, Jon       | Belanger, Ronald      |
| Camm, Kevin         | Carson, Gregory       | Cegelis, Mark       | Christie, Andrew, Jr. |
| Cooney, Richard     | Cote, Patricia        | Dearborn, Bruce     | Dodge, Robert         |
| Dowd, Sandra        | Dowling, Patricia     | Dube, LeRoy         | Dunham, Vivian        |
| Felch, Charles, Sr. | Flanders, David       | Flanders, John, Sr. | Francoeur, Sheila     |
| Gleason, John       | Griffin, Mary         | Guthrie, Joseph     | Henderson, Warren     |
| Katsakiores, George | Klemm, Arthur, Jr.    | Kobel, Rudolph      | Letourneau, Robert    |
| Major, Norman       | Malcolm, Kenneth      | McCarthy, John, Jr. | McKinney, Betsy       |
| Mikowski, Walter    | Millard, Ralph        | Moore, Benjamin     | Morris, Debbie        |
| Nowe, Ronald        | Noyes, Richard        | Packard, Sherman    | Raynowska, Bernard    |
| Reardon, Neil       | Simmons, John Anthony | Smith, Kevin        | Stickney, Nancy       |
| Tufts, J. Arthur    | Varrell, Thomas       | Verani, Giovanni    | Welch, David          |
| Weyler, Kenneth     | Woods, Deborah        |                     |                       |

**STRAFFORD**

|                 |                  |                |                 |
|-----------------|------------------|----------------|-----------------|
| Bickford, David | McKinley, Robert | Musler, George | Tsiros, William |
|-----------------|------------------|----------------|-----------------|

**SULLIVAN**

|               |               |
|---------------|---------------|
| Adler, Rudolf | Kibbey, David |
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**NAYS 199****BELKNAP**

|                |                    |
|----------------|--------------------|
| Pilliod, James | Salatiello, Thomas |
|----------------|--------------------|

**CARROLL**

|                        |                    |
|------------------------|--------------------|
| Dickinson, Howard, Jr. | MacDonald, Kenneth |
|------------------------|--------------------|

**CHESHIRE**

|                   |                     |                 |                    |
|-------------------|---------------------|-----------------|--------------------|
| Avery, Stephen    | Bonneau, Sarah      | Burnham, Daniel | Champagne, Richard |
| DePecol, Benjamin | Doucette, Richard   | Lynch, Margaret | Lynott, Margaret   |
| Manning, Joseph   | McGuirk, Paul       | Meador, David   | Pratt, Irene       |
| Pratt, John       | Richardson, Barbara | Riley, William  | Robertson, Timothy |
| Russell, Ronald   | Vogl, John          |                 |                    |

**COOS**

|                |                 |                  |                   |
|----------------|-----------------|------------------|-------------------|
| Bradley, Paula | Coulombe, Henry | Coulombe, Yvonne | Hawkinson, Marie  |
| Horton, Lynn   | Mears, Edgar    | Moynihan, Wayne  | St. Hilaire, Paul |

**GRAFTON**

|                    |               |                  |                  |
|--------------------|---------------|------------------|------------------|
| Akins, Ralph       | Almy, Susan   | Below, Clifton   | Connolly, Steven |
| Copenhaver, Marion | Guest, Robert | Ham, Bonnie      | LaMott, Paul     |
| Lovett, Sidney     | Luker, Elsa   | Nordgren, Sharon | Phinney, William |

**HILLSBOROUGH**

|                      |                         |                            |                     |
|----------------------|-------------------------|----------------------------|---------------------|
| Ackerman, Philip     | Allen, W. Gordon        | Ameen, W.                  | Asselin, Robert     |
| Baroody, Benjamin    | Barry, William, III     | Bernier, Shannon           | Boutin, David       |
| Buckley, Raymond     | Cardin, Lori            | Clemons, Jane              | Clemons, Kevin, Sr. |
| Cote, David          | Cote, Peter             | D'Allesandro, Lou          | Daigle, Robert      |
| Dawe, Eileen         | Drabinowicz, A. Theresa | Dwyer, Paul, Sr.           | Ferguson, Charles   |
| Fields, Dennis       | Foster, Joseph          | Foster, Linda              | Gage, Ruth          |
| Ginsburg, Ruth       | Gosselin, Gerald        | Haettenschwiller, Alphonse | Haley, Robert       |
| Hall, Betty          | Hart, Nick              | Healy, Daniel              | Jean, Claudette     |
| Johnson, Lionel      | Kelly, Michael          | Lefebvre, Roland           | Leonard, Peter      |
| Lynde, Harold        | MacAuslan, Rita         | Martin, Mary               | McCarthy, William   |
| McDonald, James, Sr. | Melcher, Harold         | Messier, Irene             | Murphy, Robert      |
| O'Rourke, Thomas     | Perkins, Paul           | Reidy, Frank               | Turgeon, Roland     |
| Vaillancourt, Steve  | Welch, Donald           | White, Donald              | White, Jay          |
| Williams, Carol      |                         |                            |                     |

**MERRIMACK**

|                    |               |                    |                   |
|--------------------|---------------|--------------------|-------------------|
| Anderson, Eric     | Burney, Carol | Crosby, Toni       | Daneault, Gabriel |
| DeStefano, Stephen | Dunn, Miriam  | Feuerstein, Martin | Fraser, Marilyn   |
| French, Barbara    | Gile, Mary    | Hoadley, Elizabeth | Jacobson, Alf     |
| Lockwood, Robert   | Maxfield, Roy | Moore, Carol       | Owen, Derek       |
| Pfaff, Terence     | Reardon, Tara | Rogers, Katherine  | Seldin, Gloria    |
| St. Cyr, Gerard    | Wallin, Jean  | Wallner, Mary Jane | Whalley, Michael  |
| Yeaton, Charles    |               |                    |                   |

**ROCKINGHAM**

|                   |                          |                      |                    |
|-------------------|--------------------------|----------------------|--------------------|
| Abbott, Dennis    | Battles-Peirce, Marjorie | Blanchard, MaryAnn   | Case, Margaret     |
| Clark, Martha     | Coes, Betsy              | Cushing, Robert      | Dolan, Richard     |
| Downing, Michael  | Fesh, Robert             | Flanagan, Natalie    | Frechette, Joseph  |
| Gibbons, Paul     | Heath, John              | Hutchinson, Rebecca  | Johnson, Robert    |
| Kane, Cecelia     | Katsakiores, Phyllis     | Kelley, Jane         | Langley, Jane      |
| Langone, John     | Lovejoy, Marian          | McGovern, Cynthia    | Micklon, Stephanie |
| Norelli, Terie    | O'Keefe, Patricia        | Pantelakos, Laura    | Rubin, George      |
| Sabella, Norma    | Schanda, Frank           | Stone, Joseph        | Stritch, C. Donald |
| Syracusa, Anthony | Vaughn, Charles          | Weatherspoon, Jackie |                    |

**STRAFFORD**

|                    |                  |                   |                      |
|--------------------|------------------|-------------------|----------------------|
| Berube, Roger      | Brennan, William | Brown, George     | Brown, Julie         |
| Callaghan, Frank   | DeChane, Marlene | Dunlap, Patricia  | Estabrook, Iris      |
| Grassie, Anne      | Hemon, Roland    | Hilliard, Dana    | Kaen, Naida          |
| Keans, Sandra      | Knowles, William | Lundborn, Raymond | McCann, William, Jr. |
| Merrill, Amanda    | Merritt, Deborah | Pelletier, Arthur | Pelletier, Marsha    |
| Rogers, Rose Marie | Rollo, Michael   | Smith, Marjorie   | Snyder, Clair        |
| Spear, Barbara     | Sullivan, Henry  | Taylor, Kathleen  | Torr, Ann            |
| Torr, Franklin     | Twardus, Joseph  | Vachon, Dennis    | Vincent, Francis     |
| Wall, Janet        |                  |                   |                      |

## SULLIVAN

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Schotanus, Merle

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

Donovan, Thomas  
Lindblade, Eric

and the amendment failed.

Rep. Alger offered a floor amendment.

**Floor Amendment (1047h)**

Amend RSA 198:15-n as inserted by section 3 of the bill by inserting after paragraph VI the following new paragraph:

VII. Any local school district that has a contractual arrangement, approved by the school board and the voters of the district, to provide school district paid tuition payments to a nonpublic and non-sectarian school for the purpose of providing a kindergarten program during the 1996-1997 school year which is available to all kindergarten age children in the district shall be eligible for annual kindergarten aid payments under this subdivision. Such alternative kindergarten program shall be exempt from the criteria established for public kindergarten programs in the New Hampshire minimum standards for the approval of schools until the 1999-2000 school year to enable the alternative program to establish compliance with such criteria. The school district shall submit a local plan which meets all requirements of RSA 198:15-n, IV, except as provided under subparagraph (d), to the department of education.

Rep. Alger spoke in favor.

Adopted.

Rep. Teschner asked if the question was divisible.

The Speaker ruled the question was divisible.

Rep. Teschner moved that the question be divided to take up Secs. 5, 6, 7 and I, II, III of Sec. 8 separately. Objection was raised to the question being divided.

Rep. Varrell requested a roll call; not sufficiently seconded.

On a division vote, 171 members having voted in the affirmative and 211 in the negative, the motion failed. The question now being the adoption of the report.

On a division vote, 247 members having voted in the affirmative and 135 in the negative, the report was adopted.

Ordered to third reading.

Reps. Jeb Bradley and Clay wished to be recorded in favor.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Dickinson moved that the House reconsider its action whereby it ordered to third reading **HB 50-FN-A**, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefore.

Rep. Dickinson spoke against.

Reconsideration failed.

**RECESS****(Speaker Sytek in the Chair)**

**HB 564-FN-A**, increasing the cigarette tax and designating a portion of the revenue for anti-smoking programs aimed at teenagers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This bill increases per pack cigarette tax by 20 cents to 45 cents per pack. All tobacco products are similarly taxed. The new rate takes effect June 1, 1997 and will apply to inventory available on that date. The amendment removes the dedicated fund proposed in the original bill and insures that all income is deposited in the general fund. Vote 13-8.

**Amendment (0972h)**

Amend the title of the bill by replacing it with the following:

AN ACT increasing the cigarette tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of "Tobacco Products" for Purposes of Tobacco Tax. Amend RSA 78:1, XIV to read as follows:

XIV. "Tobacco products" means cigarettes ~~[and]~~, *cigars, snuff*, smokeless tobacco, *products containing tobacco, and tobacco in any other form*.

2 Cigarette Tax. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of ~~[25]~~ 45 cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

3 Applicability. This act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective June 1, 1997, shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

4 Effective Date. This act shall take effect June 1, 1997.

#### AMENDED ANALYSIS

This bill increases the cigarette tax by 20 cents.

Rep. Cobbin spoke against.

Reps. Buckley and Channing Brown spoke in favor.

On a division vote, 340 members having voted in the affirmative and 29 in the negative, the amendment was adopted.

Rep. Babson voted nay and intended to vote yea.

Rep. Wallner offered a floor amendment.

#### Floor Amendment(1020h)

Amend RSA 78:7 as inserted by section 2 of the bill by replacing it with the following:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of ~~[25]~~ 50 cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

Amend the bill by replacing all after section 2 with the following:

3 Applicability. This act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective May 1, 1997, shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

4 Effective Date. This act shall take effect May 1, 1997.

#### AMENDED ANALYSIS

This bill increases the cigarette tax by 25 cents.

Reps. Wallner, Rosen and Holt spoke in favor.

Reps. MacGillivray, Klemm and Alukonis spoke against and yielded to questions.

Rep. Pilliod spoke in favor and yielded to questions.

Rep. Kurk spoke against.

Rep. David Welch requested a roll call; sufficiently seconded.

The question being the adoption of the Wallner floor amendment.

**YEAS 178 NAYS 186****YEAS 178****BELKNAP**

|                |              |                    |
|----------------|--------------|--------------------|
| Pilliod, James | Rosen, Ralph | Salatiello, Thomas |
|----------------|--------------|--------------------|

**CARROLL**

|                        |                   |
|------------------------|-------------------|
| Dickinson, Howard, Jr. | Philbrick, Donald |
|------------------------|-------------------|

**CHESHIRE**

|                   |                    |                    |                     |
|-------------------|--------------------|--------------------|---------------------|
| Bonneau, Sarah    | Burnham, Daniel    | Champagne, Richard | DePecol, Benjamin   |
| Doucette, Richard | Lynch, Margaret    | Lynott, Margaret   | Manning, Joseph     |
| McGuirk, Paul     | Pratt, Irene       | Pratt, John        | Richardson, Barbara |
| Riley, William    | Robertson, Timothy | Russell, Ronald    | Vogl, John          |

**COOS**

|                |                 |                  |                  |
|----------------|-----------------|------------------|------------------|
| Bradley, Paula | Coulombe, Henry | Coulombe, Yvonne | Hawkinson, Marie |
| Mears, Edgar   | Moynihan, Wayne |                  |                  |

**GRAFTON**

|                  |                |                    |               |
|------------------|----------------|--------------------|---------------|
| Almy, Susan      | Below, Clifton | Copenhaver, Marion | Guest, Robert |
| Ham, Bonnie      | LaMott, Paul   | Lovett, Sidney     | Luker, Elsa   |
| Nordgren, Sharon |                |                    |               |

**HILLSBOROUGH**

|                            |                     |                         |                      |
|----------------------------|---------------------|-------------------------|----------------------|
| Allen, W. Gordon           | Ameen, W.           | Barry, William, III     | Belvin, William      |
| Bernier, Shannon           | Boutin, David       | Buckley, Raymond        | Cardin, Lori         |
| Clemons, Jane              | Clemons, Kevin, Sr. | Cote, David             | Cote, Peter          |
| D'Allesandro, Lou          | Daigle, Robert      | Drabinowicz, A. Theresa | Durham, Susan        |
| Dwyer, Paul, Sr.           | Ferguson, Charles   | Fields, Dennis          | Foster, Joseph       |
| Foster, Linda              | Gage, Ruth          | Ginsburg, Ruth          | Gosselin, Gerald     |
| Haettenschwiller, Alphonse | Haley, Robert       | Hall, Betty             | Hart, Nick           |
| Holt, David                | Jean, Claudette     | Johnson, Lionel         | Kelly, Michael       |
| Lefebvre, Roland           | Leishman, Peter     | Leonard, Peter          | Lynde, Harold        |
| MacAuslan, Rita            | Martin, Mary        | McCarthy, William       | McDonald, James, Sr. |
| Melcher, Harold            | Messier, Irene      | Mittelman, David        | Morello, Michael     |
| Murphy, Robert             | O'Rourke, Thomas    | Perkins, Paul           | Peterson, Andrew     |
| Reidy, Frank               | Turgeon, Roland     | Welch, Donald           | White, Donald        |
| White, Jay                 | Williams, Carol     |                         |                      |

**MERRIMACK**

|                    |                    |                    |                   |
|--------------------|--------------------|--------------------|-------------------|
| Burney, Carol      | Crosby, Toni       | Crowell, Peter     | Daneault, Gabriel |
| DeStefano, Stephen | Dunn, Miriam       | Feuerstein, Martin | Fraser, Marilyn   |
| French, Barbara    | Gile, Mary         | Hess, David        | Jacobson, Alf     |
| Lockwood, Robert   | Marshall, Kenneth  | Moore, Carol       | Owen, Derek       |
| Reardon, Tara      | Rogers, Katherine  | Seldin, Gloria     | St. Cyr, Gerard   |
| Wallin, Jean       | Wallner, Mary Jane | Yeaton, Charles    |                   |

**ROCKINGHAM**

|                   |                          |                      |                     |
|-------------------|--------------------------|----------------------|---------------------|
| Abbott, Dennis    | Battles-Peirce, Marjorie | Blanchard, MaryAnn   | Clark, Martha       |
| Coes, Betsy       | Cushing, Robert          | Downing, Michael     | Flanagan, Natalie   |
| Flanders, David   | Gibbons, Paul            | Heath, John          | Hutchinson, Rebecca |
| Johnson, Robert   | Kelley, Jane             | Langone, John        | Lovejoy, Marian     |
| McGovern, Cynthia | Micklon, Stephanie       | Norelli, Terie       | O'Keefe, Patricia   |
| Pantelakos, Laura | Sabella, Norma           | Schanda, Frank       | Stritch, C. Donald  |
| Syracusa, Anthony | Vaughn, Charles          | Weatherspoon, Jackie |                     |

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Merritt, Deborah  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Ann

Brown, George  
Estabrook, Iris  
Kaen, Naida  
McCann, William, Jr.  
Pelletier, Marsha  
Snyder, Clair  
Twardus, Joseph

Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Vachon, Dennis

**SULLIVAN**

Allison, David  
Flint, Gordon  
Wiggins, Celestine

Burling, Peter  
Leone, Richard

Cloutier, John  
Palmer, Lorraine

Donovan, Thomas  
Schtanus, Merle

**NAYS 186****BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Lawton, David  
Turner, Robert

Boriso, Thomas  
Holbrook, Robert  
Lawton, Robert  
Veazey, John

Boyce, Robert  
Hurt, George  
Rice, Thomas, Jr.  
Ziegler, Alice

Clark, Charles  
Laffam, Robert  
Thomas, John

**CARROLL**

Babson, David, Jr.  
Foster, Robert  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Patten, Betsey

Chandler, Gene  
Kenney, Joseph

Cooper, Kipp  
Lyman, L. Randy

**CHESHIRE**

Hunt, John

McNamara, Wanda

Smith, Edwin

Steere, Myron, III

**COOS**

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
Tholl, John, Jr.

Horton, Lynn

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Connolly, Steven  
Hinman, Harry  
Trelfa, Richard

Alger, John  
Eaton, Stephanie  
Mirski, Paul  
Weber, Phil

Brown, Channing  
Guaraldi, Lawrence  
Root, John  
Williams, William, Jr.

Cobbin, Philip  
Hill, Richard  
Teschner, Douglass

**HILLSBOROUGH**

Alukonis, David  
Batula, Peter  
Burke, M. Virginia  
Clay, Susan  
Dokmo, Cynthia  
Flora, Kathleen  
Hansen, Herbert  
Hunter, Bruce  
LaRose, Richard  
Luebker, Bernard  
McCart, Winston  
Milligan, Robert  
Riley, Frances  
Wheeler, Robert

Amidon, Eleanor  
Bergin, Peter  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Dyer, Merton  
Gagnon, Eugene  
Herman, Keith  
Jean, Loren  
Lessard, Rudy  
MacGillivray, Jeffrey  
McGough, Tim  
O'Hearn, Jane  
Sargent, Maxwell  
Wright, George

Arnold, Thomas, Jr.  
Briefs, Geoffrey  
Carlson, Donald  
Daniels, Gary  
Emerton, Lawrence, Sr.  
Golding, William  
Holden, Carol  
Kelley, Robert  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Pepino, Leo  
Thulander, O. Alan

Asselin, Robert  
Brundige, Robert  
Christiansen, Lars  
Dawe, Eileen  
Fenton, James  
Goulet, Maurice  
Holley, Sylvia  
Kurk, Neal  
Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
Piteri, Dawn  
Vaillancourt, Steve

## MERRIMACK

|                 |                    |                   |                   |
|-----------------|--------------------|-------------------|-------------------|
| Adams, Stephen  | Anderson, Eric     | Brown, Mary       | Chandler, Earle   |
| Colburn, Thomas | Hoadley, Elizabeth | Krueger, Patricia | Langer, Ray       |
| Larrabee, David | Lavoie, Gerard     | Leber, William    | Maxfield, Roy     |
| Morrill, Olive  | Pfaff, Terence     | Whalley, Michael  | Whittemore, James |

## ROCKINGHAM

|                    |                     |                     |                       |
|--------------------|---------------------|---------------------|-----------------------|
| Aranda, M. Kathryn | Arndt, Janet        | Beaulieu, Jon       | Belanger, Ronald      |
| Camm, Kevin        | Case, Margaret      | Cegelis, Mark       | Christie, Andrew, Jr. |
| Cooney, Richard    | Cote, Patricia      | Dearborn, Bruce     | Dodge, Robert         |
| Dolan, Richard     | Dowd, Sandra        | Dowling, Patricia   | Dube, LeRoy           |
| Dunham, Vivian     | Felch, Charles, Sr. | Fesh, Robert        | Flanders, John, Sr.   |
| Francoeur, Sheila  | Frechette, Joseph   | Gleason, John       | Griffin, Mary         |
| Guthrie, Joseph    | Henderson, Warren   | Katsakiores, George | Katsakiores, Phyllis  |
| Klemm, Arthur, Jr. | Kobel, Rudolph      | Langley, Jane       | Letourneau, Robert    |
| Major, Norman      | Malcolm, Kenneth    | McCarthy, John, Jr. | McKinney, Betsy       |
| Mikowski, Walter   | Millard, Ralph      | Moore, Benjamin     | Morris, Debbie        |
| Nowe, Ronald       | Noyes, Richard      | Packard, Sherman    | Raynowska, Bernard    |
| Reardon, Neil      | Rubin, George       | Smith, Kevin        | Stickney, Nancy       |
| Stone, Joseph      | Tufts, J. Arthur    | Varrell, Thomas     | Verani, Giovanni      |
| Welch, David       | Weyler, Kenneth     | Woods, Deborah      |                       |

## STRAFFORD

|                 |                  |                  |                |
|-----------------|------------------|------------------|----------------|
| Bickford, David | McKinley, Robert | Musler, George   | Spear, Barbara |
| Torr, Franklin  | Tsiros, William  | Vincent, Francis |                |

## SULLIVAN

|               |                 |               |                 |
|---------------|-----------------|---------------|-----------------|
| Adler, Rudolf | Ferland, Brenda | Kibbey, David | Lindblade, Eric |
|---------------|-----------------|---------------|-----------------|

and the floor amendment failed.

Reps. Carney and Meader declared conflicts of interest and did not participate.

Rep. Simmons did not vote and wished to be recorded against.

Rep. Vaillancourt offered a floor amendment.

## Floor Amendment(1056h)

Amend the title of the bill by replacing it with the following:

AN ACT increasing the cigarette tax and designating a portion of the revenue for anti-smoking programs.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Special Fund; Anti-Smoking Programs. Amend RSA 6:12, I by inserting after subparagraph (ooo) the following new subparagraph:

(ppp) Money received under RSA 78:7-d and private sources, which shall be credited to the anti-smoking programs fund established in RSA 172-C:2.

2 Definition of "Tobacco Products" for Purposes of Tobacco Tax. Amend RSA 78:1, XIV to read as follows:

XIV. "Tobacco products" means cigarettes [and], *cigars, snuff*, smokeless tobacco, *products containing tobacco, and tobacco in any other form*.

3 Cigarette Tax. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [25] 45 cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

4 New Section; Designated Revenues. Amend RSA 78 by inserting after section 7-c the following new section:

78:7-d Designated Revenue. Of the money collected under this chapter, 2/9 shall be deposited by the state treasurer into the fund established in RSA 172-C:2.

5 New Chapter; Anti-Smoking Programs. Amend RSA by inserting after RSA 172-B the following new chapter:

## CHAPTER 172-C

### ANTI-SMOKING PROGRAMS

172-C:1 - Anti-Smoking Programs. The commissioner of the department of health and human services shall award grants for anti-smoking programs within the state of New Hampshire. The commissioner may adopt rules under RSA 541-A relative to the application procedure and criteria for such grants and relative to the administration of the fund established in RSA 172-C:2. The grants authorized in this section shall be financed from the anti-smoking programs fund established under RSA 172-C:2.

172-C:2 Fund Established. There is established in the treasury a separate, nonlapsing, and continually appropriated fund to be known as the anti-smoking programs fund. Moneys for the fund shall come from tobacco tax revenues under RSA 78:7-d and from private grants and donations and any federal funds for which the state is qualified. The commissioner of the department of health and human services shall administer the fund.

6 Applicability. Sections 2 and 3 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall inventory all taxable tobacco products in their possession and file a report of such inventory with the department of revenue administration on a form prescribed by the commissioner within 20 days after the effective date of this act. The tax rate effective June 1, 1997, shall apply to such inventory and the difference, if any, in the amount paid previously on such inventory and the current effective rate of tax shall be paid with the inventory form. The inventory form shall be treated as a tax return for the purpose of computing penalties under RSA 21-J.

7 Effective Date. This act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill increases the cigarette tax by 20 cents and designates 1/2 of the increase to anti-smoking programs.

Rep. Vaillancourt spoke in favor and yielded to questions.

Rep. Vaughn spoke against.

The floor amendment failed.

The question now being the adoption of the report.

Rep. Camm requested a roll call; sufficiently seconded.

### YEAS 271 NAYS 81

#### YEAS 271

#### BELKNAP

Bartlett, Gordon  
Laffam, Robert  
Thomas, John

Boriso, Thomas  
Lawton, Robert  
Ziegra, Alice

Golden, Paul  
Pilliod, James

Holbrook, Robert  
Salatiello, Thomas

#### CARROLL

Bradley, Jeb  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Patten, Betsey

Cooper, Kipp  
Kenney, Joseph

Dickinson, Howard, Jr.  
Lyman, L. Randy

#### CHESHIRE

Bonneau, Sarah  
Doucette, Richard  
Manning, Joseph  
Richardson, Barbara  
Smith, Edwin

Burnham, Daniel  
Hunt, John  
McGuirk, Paul  
Riley, William  
Steere, Myron, III

Champagne, Richard  
Lynch, Margaret  
Pratt, Irene  
Robertson, Timothy  
Vogl, John

DePecol, Benjamin  
Lynott, Margaret  
Pratt, John  
Russell, Ronald

**COOS**

Bradley, Paula  
Hawkinson, Marie  
Pratt, Leighton

Coulombe, Henry  
Horton, Lynn  
Tholl, John, Jr.

Coulombe, Yvonne  
Merrill, Gerald

Davis, Perley  
Moynihan, Wayne

**GRAFTON**

Akins, Ralph  
Connolly, Steven  
Guest, Robert  
Luker, Elsa

Almy, Susan  
Copenhaver, Marion  
Ham, Bonnie  
Nordgren, Sharon

Below, Clifton  
Eaton, Stephanie  
LaMott, Paul  
Teschner, Douglass

Brown, Channing  
Guaraldi, Lawrence  
Lovett, Sidney  
Williams, William, Jr.

**HILLSBOROUGH**

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Bernier, Shannon  
Calawa, Leon, Jr.  
Clemons, Jane  
Daigle, Robert  
Durham, Susan  
Ferguson, Charles  
Foster, Linda  
Gosselin, Gerald  
Hansen, Herbert  
Jean, Claudette  
Kurk, Neal  
Leonard, Peter  
Marcinkowski, Michael  
Melcher, Harold  
Morello, Michael  
Perkins, Paul  
Thulander, O. Alan  
White, Jay

Alukonis, David  
Barry, William, III  
Boutin, David  
Cardin, Lori  
Clemons, Kevin, Sr.  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Fields, Dennis  
Gage, Ruth  
Haettenschwiller, Alphonse  
Hart, Nick  
Johnson, Lionel  
LaRose, Richard  
Lozeau, DonnaLee  
Martin, Mary  
Mercer, Robert  
Murphy, Robert  
Peterson, Andrew  
Turgeon, Roland  
Williams, Carol

Ameen, W.  
Belvin, William  
Briefs, Geoffrey  
Carlson, Donald  
Cote, David  
Dokmo, Cynthia  
Dyer, Merton  
Flora, Kathleen  
Gagnon, Eugene  
Haley, Robert  
Holden, Carol  
Kelley, Robert  
Lefebvre, Roland  
Lynde, Harold  
McCarthy, William  
Mercier, Irene  
O'Hearn, Jane  
Reidy, Frank  
Welch, Donald

Amidon, Eleanor  
Bergin, Peter  
Buckley, Raymond  
Clay, Susan  
Cote, Peter  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Joseph  
Ginsburg, Ruth  
Hall, Betty  
Holt, David  
Kelly, Michael  
Leishman, Peter  
MacAuslan, Rita  
McDonald, James, Sr.  
Mittelman, David  
O'Rourke, Thomas  
Sargent, Maxwell  
Wheeler, Robert

**MERRIMACK**

Adams, Stephen  
Crosby, Toni  
Dunn, Miriam  
Gile, Mary  
Langer, Ray  
Marshall, Kenneth  
Nichols, Avis  
Rogers, Katherine  
Whalley, Michael

Anderson, Eric  
Crowell, Peter  
Feuerstein, Martin  
Hess, David  
Lavoie, Gerard  
Maxfield, Roy  
Owen, Derek  
Seldin, Gloria  
Whittemore, James

Burney, Carol  
Daneault, Gabriel  
Fraser, Marilyn  
Hoadley, Elizabeth  
Leber, William  
Moore, Carol  
Pfaff, Terence  
St. Cyr, Gerard  
Yeaton, Charles

Chandler, Earle  
DeStefano, Stephen  
French, Barbara  
Jacobson, Alf  
Lockwood, Robert  
Morrill, Olive  
Reardon, Tara  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
Case, Margaret  
Cooney, Richard  
Dowd, Sandra  
Flanagan, Natalie  
Frechette, Joseph  
Henderson, Warren  
Kelley, Jane  
Lovejoy, Marian  
Micklon, Stephanie  
Sabella, Norma  
Stritch, C. Donald  
Weatherspoon, Jackie

Arndt, Janet  
Christie, Andrew, Jr.  
Cote, Patricia  
Dowling, Patricia  
Flanders, David  
Gibbons, Paul  
Hutchinson, Rebecca  
Kobel, Rudolph  
Malcolm, Kenneth  
Moore, Benjamin  
Schanda, Frank  
Syracusa, Anthony  
Welch, David

Battles-Peirce, Marjorie  
Clark, Martha  
Cushing, Robert  
Downing, Michael  
Flanders, John, Sr.  
Gleason, John  
Johnson, Robert  
Langley, Jane  
McCarthy, John, Jr.  
Norelli, Terie  
Smith, Kevin  
Tufts, J. Arthur  
Woods, Deborah

Blanchard, MaryAnn  
Coes, Betsy  
Dearborn, Bruce  
Dube, LeRoy  
Francoeur, Sheila  
Heath, John  
Katsakiores, Phyllis  
Langone, John  
McGovern, Cynthia  
Rubin, George  
Stone, Joseph  
Vaughn, Charles

**STRAFFORD**

Beube, Roger  
DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Ann  
Vachon, Dennis

Bickford, David  
Dunlap, Patricia  
Hilliard, Dana  
McCann, William, Jr.  
Pelletier, Marsha  
Snyder, Clair  
Torr, Franklin  
Vincent, Francis

Brennan, William  
Estabrook, Iris  
Kaen, Naida  
Merrill, Amanda  
Rogers, Rose Marie  
Spear, Barbara  
Tsiros, William

Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Merritt, Deborah  
Rollo, Michael  
Taylor, Kathleen  
Twardus, Joseph

**SULLIVAN**

Allison, David  
Ferland, Brenda  
Lindblade, Eric

Burling, Peter  
Flint, Gordon  
Palmer, Lorraine

Cloutier, John  
Kibbey, David  
Schothanus, Merle

Donovan, Thomas  
Leone, Richard  
Wiggins, Celestine

**NAYS 81****BELKNAP**

Boyce, Robert  
Rice, Thomas, Jr.

Clark, Charles  
Turner, Robert

Hurt, George  
Veazey, John

Lawton, David

**CARROLL**

Babson, David, Jr.

**CHESHIRE**

McNamara, Wanda

**COOS**

Guay, Lawrence

**GRAFTON**

Alger, John  
Root, John

Cobbin, Philip  
Trelfa, Richard

Hinman, Harry  
Weber, Phil

Mirski, Paul

**HILLSBOROUGH**

Asselin, Robert  
Christiansen, Lars  
Golding, William  
Holley, Sylvia  
Letendre, Evelyn  
McCarty, Winston  
Pepino, Leo  
White, Donald

Batula, Peter  
Clegg, Robert, Jr.  
Goulet, Maurice  
Hunter, Bruce  
Luebker, Bernard  
McGough, Tim  
Piteri, Dawn  
Wright, George

Brundige, Robert  
Daniels, Gary  
Healy, Daniel  
Jean, Loren  
MacGillivray, Jeffrey  
McRae, Karen  
Riley, Frances

Burke, M. Virginia  
Fenton, James  
Herman, Keith  
Lessard, Rudy  
MacIntyre, Doris  
Milligan, Robert  
Vaillancourt, Steve

**MERRIMACK**

Brown, Mary

Colburn, Thomas

Krueger, Patricia

Larrabee, David

**ROCKINGHAM**

Aranda, M. Kathryn  
Cegelis, Mark  
Fesh, Robert  
Klemm, Arthur, Jr.  
Mikowski, Walter  
Noyes, Richard  
Stickney, Nancy

Beaulieu, Jon  
Dodge, Robert  
Griffin, Mary  
Letourneau, Robert  
Millard, Ralph  
Packard, Sherman  
Varrell, Thomas

Belanger, Ronald  
Dolan, Richard  
Guthrie, Joseph  
Major, Norman  
Morris, Debbie  
Raynowska, Bernard  
Verani, Giovanni

Camm, Kevin  
Dunham, Vivian  
Katsakiores, George  
McKinney, Betsy  
Nowe, Ronald  
Reardon, Neil  
Weyler, Kenneth

**STRAFFORD**

McKinley, Robert

## SULLIVAN

Adler, Rudolf

and the report was adopted.

Ordered to third reading.

Reps. Carney and Meader declared conflicts of interest and did not participate.

Rep. Simmons did not vote and wished to be recorded against.

## REVENUE ESTIMATES

## REMOVED FROM THE TABLE

Rep. Weyler moved that **HR 19**, affirming unrestricted revenue estimates for fiscal years 1998 and 1999, be removed from the table.

Adopted.

## Amendment (1048h)

Amend the resolution by replacing all after the title with the following:

Whereas, the House Finance Committee has considered what the unrestricted revenue estimates should be for fiscal years 1998 and 1999 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 1998 and 1999 and also takes note of the following revenue figures presented here for fiscal years 1996 and 1997:

Committee estimates are based on current rates.

|   | (A)<br>FY 1996 | (B)<br>-----<br>Official | (C)<br>FY 1997<br>Committee | (D)<br>-----<br>Variance | (E)<br>FY 1998<br>Committee | (F)<br>FY 1999<br>Committee |
|---|----------------|--------------------------|-----------------------------|--------------------------|-----------------------------|-----------------------------|
| GENERAL FUNDS:<br>(Dollars in Millions) | Actual         | Estimate                 | Estimate                    |                          | Estimate                    | Estimate                    |
| Business Profits Tax                    | 152.683        | 150.619                  | 177.600                     | 26.981                   | 185.550                     | 200.450                     |
| Business Enterprise Tax                 | 24.969         | 45.300                   | 39.000                      | (6.300)                  | 34.600                      | 36.100                      |
| Meals & Rooms Tax                       | 113.369        | 124.000                  | 118.000                     | (6.000)                  | 122.700                     | 129.600                     |
| Liquor Sales                            | 65.971         | 67.500                   | 68.683                      | 1.183                    | 70.700                      | 73.200                      |
| Interest & Dividends Tax                | 51.878         | 44.350                   | 48.000                      | 3.650                    | 50.250                      | 52.500                      |
| Insurance Tax                           | 50.488         | 57.820                   | 56.500                      | (1.320)                  | 54.400                      | 56.600                      |
| Tobacco Tax                             | 44.537         | 47.000                   | 52.400                      | 5.400                    | 87.100                      | 88.200                      |
| Other                                   | 42.467         | 45.425                   | 40.000                      | (5.425)                  | 40.000                      | 40.000                      |
| Communications Tax                      | 35.519         | 35.700                   | 37.000                      | 1.300                    | 39.000                      | 41.000                      |
| Estate & Legacy Tax                     | 33.270         | 36.000                   | 41.000                      | 5.000                    | 37.400                      | 37.700                      |
| Real Estate Transfer Tax                | 30.192         | 34.000                   | 32.500                      | (1.500)                  | 33.000                      | 33.625                      |
| Court Fines & Fees                      | 18.914         | 19.500                   | 19.000                      | (0.500)                  | 19.000                      | 19.000                      |
| Utility Tax                             | 17.488         | 19.000                   | 18.000                      | (1.000)                  | 18.000                      | 18.000                      |
| Securities Revenue                      | 15.622         | 14.000                   | 16.500                      | 2.500                    | 16.800                      | 17.300                      |
| Board & Care Revenue                    | 13.628         | 13.700                   | 14.300                      | 0.600                    | 14.300                      | 15.400                      |
| Beer Tax                                | 11.113         | 11.250                   | 11.100                      | (0.150)                  | 11.100                      | 11.100                      |
| Horse Racing                            | 3.032          | 3.100                    | 2.800                       | (0.300)                  | 2.800                       | 2.800                       |
| Dog Racing                              | 2.166          | 2.800                    | 2.000                       | (0.800)                  | 2.000                       | 2.000                       |
| <b>TOTAL STATE SOURCES</b>              | <b>727.306</b> | <b>771.064</b>           | <b>794.383</b>              | <b>23.319</b>            | <b>838.700</b>              | <b>874.575</b>              |
| <b>MEDICAID ENHANCEMENTS:</b>           |                |                          |                             |                          |                             |                             |
| Board and Care                          | 45.620         | 47.409                   | 47.409                      | -                        | 36.000                      | 36.000                      |
| Uncompensated Care Pool                 | 79.173         | 59.500                   | 49.770                      | (9.730)                  | 49.770                      | 49.770                      |
| <b>Total Medicaid Enhancements</b>      | <b>124.793</b> | <b>106.909</b>           | <b>97.179</b>               | <b>(9.730)</b>           | <b>85.770</b>               | <b>85.770</b>               |
| <b>TOTAL GENERAL FUND</b>               | <b>852.099</b> | <b>877.973</b>           | <b>891.562</b>              | <b>13.589</b>            | <b>924.470</b>              | <b>960.345</b>              |
| <b>HHS-Third Party Reimbursements</b>   | <b>-</b>       | <b>20.000</b>            | <b>20.000</b>               |                          | <b>10.000</b>               | <b>10.000</b>               |

**HIGHWAY FUNDS:**

(Dollars in Millions)

|                            |                |                |                |               |                |                |
|----------------------------|----------------|----------------|----------------|---------------|----------------|----------------|
| Gasoline Road Toll         | 107.025        | 104.450        | 110.000        | 5.550         | 113.300        | 116.700        |
| Motor Vehicle Fees         | 60.174         | 57.724         | 61.800         | 4.076         | 63.650         | 65.500         |
| Miscellaneous              | 10.709         | 6.741          | 11.000         | 4.259         | 11.300         | 11.600         |
| <b>TOTAL HIGHWAY FUNDS</b> | <b>177.908</b> | <b>168.915</b> | <b>182.800</b> | <b>13.885</b> | <b>188.250</b> | <b>193.800</b> |

**FISH & GAME FUNDS:**

(Dollars in Millions)

|                                    |              |              |              |                |              |              |
|------------------------------------|--------------|--------------|--------------|----------------|--------------|--------------|
| Fish & Game Licenses               | 5.994        | 6.374        | 6.300        | (0.074)        | 6.300        | 6.300        |
| Miscellaneous                      | 0.775        | 0.738        | 0.600        | (0.138)        | 0.600        | 0.600        |
| <b>TOTAL FISH &amp; GAME FUNDS</b> | <b>6.769</b> | <b>7.112</b> | <b>6.900</b> | <b>(0.212)</b> | <b>6.900</b> | <b>6.900</b> |

Rep. Weyler spoke in favor and yielded to questions.

Adopted.

**LAID ON THE TABLE**Rep. Burling moved that **HR 19**, affirming unrestricted revenue estimates for fiscal years 1998 and 1999, be laid on the table.

Adopted.

**REGULAR CALENDAR (CONT'D.)****HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1998, and June 30, 1999. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: This bill is the balanced House spending plan for the State of New Hampshire for fiscal years 1998 and 1999. Vote 19-1.

**Amendment**

This Amendment was printed in its entirety in House Record No. 46A, April 4, 1997 and is made part of this Journal by reference.

Adopted.

Rep. Donald White requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 279 NAYS 61****YEAS 279****BELKNAP**

|                  |                |                |                |
|------------------|----------------|----------------|----------------|
| Bartlett, Gordon | Boriso, Thomas | Clark, Charles | Golden, Paul   |
| Holbrook, Robert | Laflam, Robert | Lawton, David  | Lawton, Robert |
| Pilliod, James   | Thomas, John   | Turner, Robert | Ziegra, Alice  |

**CARROLL**

|                        |                    |                 |                |
|------------------------|--------------------|-----------------|----------------|
| Babson, David, Jr.     | Bradley, Jeb       | Chandler, Gene  | Cooper, Kipp   |
| Dickinson, Howard, Jr. | Foster, Robert     | Howard, Godfrey | Kenney, Joseph |
| Lyman, L. Randy        | MacDonald, Kenneth | Patten, Betsey  |                |

**CHESHIRE**

|                     |                    |                    |                   |
|---------------------|--------------------|--------------------|-------------------|
| Bonneau, Sarah      | Burnham, Daniel    | Champagne, Richard | DePecol, Benjamin |
| Doucette, Richard   | Hunt, John         | Lynch, Margaret    | Lynott, Margaret  |
| Manning, Joseph     | McGuirk, Paul      | McNamara, Wanda    | Meador, David     |
| Richardson, Barbara | Riley, William     | Robertson, Timothy | Russell, Ronald   |
| Smith, Edwin        | Steere, Myron, III | Vogl, John         |                   |

**COOS**

|                  |                 |                |                 |
|------------------|-----------------|----------------|-----------------|
| Bradley, Paula   | Coulombe, Henry | Davis, Perley  | Horton, Lynn    |
| Mears, Edgar     | Merrill, Gerald | Moynihn, Wayne | Pratt, Leighton |
| Tholl, John, Jr. |                 |                |                 |

**GRAFTON**

|                        |                    |                    |                    |
|------------------------|--------------------|--------------------|--------------------|
| Akins, Ralph           | Almy, Susan        | Below, Clifton     | Brown, Channing    |
| Connolly, Steven       | Copenhaver, Marion | Eaton, Stephanie   | Guaraldi, Lawrence |
| Guest, Robert          | Ham, Bonnie        | LaMott, Paul       | Lovett, Sidney     |
| Luker, Elsa            | Nordgren, Sharon   | Teschner, Douglass | Trelfa, Richard    |
| Williams, William, Jr. |                    |                    |                    |

**HILLSBOROUGH**

|                            |                   |                     |                      |
|----------------------------|-------------------|---------------------|----------------------|
| Allen, W. Gordon           | Alukonis, David   | Ameen, W.           | Amidon, Eleanor      |
| Arnold, Thomas, Jr.        | Asselin, Robert   | Barry, William, III | Belvin, William      |
| Bergin, Peter              | Bernier, Shannon  | Boutin, David       | Briefs, Geoffrey     |
| Buckley, Raymond           | Calawa, Leon, Jr. | Cardin, Lori        | Carlson, Donald      |
| Christiansen, Lars         | Clay, Susan       | Clemons, Jane       | Cote, David          |
| Cote, Peter                | Daigle, Robert    | Dawe, Eileen        | Dokmo, Cynthia       |
| Drabinowicz, A. Theresa    | Durham, Susan     | Dwyer, Paul, Sr.    | Dyer, Merton         |
| Emerton, Lawrence, Sr.     | Fenton, James     | Ferguson, Charles   | Fields, Dennis       |
| Foster, Joseph             | Foster, Linda     | Gage, Ruth          | Gagnon, Eugene       |
| Ginsburg, Ruth             | Golding, William  | Gosselin, Gerald    | Goulet, Maurice      |
| Haettenschwiller, Alphonse | Haley, Robert     | Hall, Betty         | Hansen, Herbert      |
| Hart, Nick                 | Holden, Carol     | Holley, Sylvia      | Hunter, Bruce        |
| Jean, Claudette            | Johnson, Lionel   | Kelley, Robert      | Kelly, Michael       |
| Kurk, Neal                 | LaRose, Richard   | Lefebvre, Roland    | Leishman, Peter      |
| Leonard, Peter             | Lozeau, Donnalee  | Lynde, Harold       | MacAuslan, Rita      |
| MacIntyre, Doris           | McCarthy, William | McCarty, Winston    | McDonald, James, Sr. |
| Melcher, Harold            | Mercer, Robert    | Messier, Irene      | Morello, Michael     |
| Murphy, Robert             | O'Hearn, Jane     | O'Rourke, Thomas    | Perkins, Paul        |
| Peterson, Andrew           | Piteri, Dawn      | Reidy, Frank        | Sargent, Maxwell     |
| Thulander, O. Alan         | Turgeon, Roland   | Vaillancourt, Steve | Welch, Donald        |
| Wheeler, Robert            | White, Jay        |                     |                      |

**MERRIMACK**

|                   |                    |                    |                   |
|-------------------|--------------------|--------------------|-------------------|
| Anderson, Eric    | Chandler, Earle    | Crosby, Toni       | Daneault, Gabriel |
| Dunn, Miriam      | Feuerstein, Martin | Fraser, Marilyn    | French, Barbara   |
| Gile, Mary        | Hess, David        | Hoadley, Elizabeth | Jacobson, Alf     |
| Leber, William    | Lockwood, Robert   | Marshall, Kenneth  | Maxfield, Roy     |
| Moore, Carol      | Morrill, Olive     | Nichols, Avis      | Owen, Derek       |
| Plaff, Terence    | Reardon, Tara      | Rogers, Katherine  | Seldin, Gloria    |
| St. Cyr, Gerard   | Wallin, Jean       | Wallner, Mary Jane | Whalley, Michael  |
| Whittemore, James | Yeaton, Charles    |                    |                   |

**ROCKINGHAM**

|                      |                       |                      |                     |
|----------------------|-----------------------|----------------------|---------------------|
| Abbott, Dennis       | Arndt, Janet          | Belanger, Ronald     | Blanchard, MaryAnn  |
| Case, Margaret       | Christie, Andrew, Jr. | Clark, Martha        | Coes, Betsy         |
| Cooney, Richard      | Cote, Patricia        | Cushing, Robert      | Dearborn, Bruce     |
| Dodge, Robert        | Dolan, Richard        | Dowd, Sandra         | Dowling, Patricia   |
| Downing, Michael     | Dube, LeRoy           | Felch, Charles, Sr.  | Flanagan, Natalie   |
| Flanders, David      | Flanders, John, Sr.   | Francoeur, Sheila    | Frechette, Joseph   |
| Gibbons, Paul        | Gleason, John         | Griffin, Mary        | Heath, John         |
| Henderson, Warren    | Hutchinson, Rebecca   | Johnson, Robert      | Katsakiores, George |
| Katsakiores, Phyllis | Kelley, Jane          | Klemm, Arthur, Jr.   | Kobel, Rudolph      |
| Langone, John        | Letourneau, Robert    | Lovejoy, Marian      | Major, Norman       |
| Malcolm, Kenneth     | McCarthy, John, Jr.   | McGovern, Cynthia    | McKinney, Betsy     |
| Micklon, Stephanie   | Millard, Ralph        | Norelli, Terie       | Noyes, Richard      |
| O'Keefe, Patricia    | Raynowska, Bernard    | Sabella, Norma       | Schanda, Frank      |
| Stone, Joseph        | Stritch, C. Donald    | Syracusa, Anthony    | Tufts, J. Arthur    |
| Vaughn, Charles      | Verani, Giovanni      | Weatherspoon, Jackie | Welch, David        |
| Weyler, Kenneth      | Woods, Deborah        |                      |                     |

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Hilliard, Dana  
McKinley, Robert  
Rollo, Michael  
Taylor, Kathleen  
Twardus, Joseph

Bickford, David  
Estabrook, Iris  
Kaen, Naida  
Merrill, Amanda  
Smith, Marjorie  
Torr, Ann  
Vincent, Francis

Brennan, William  
Grassie, Anne  
Keans, Sandra  
Merritt, Deborah  
Snyder, Clair  
Torr, Franklin

Callaghan, Frank  
Hemon, Roland  
Knowles, William  
Rogers, Rose Marie  
Spear, Barbara  
Tsiros, William

**SULLIVAN**

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Schotanus, Merle

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

Donovan, Thomas  
Lindblade, Eric

**NAYS 61****BELKNAP**

Boyce, Robert

Hurt, George

Rice, Thomas, Jr.

Veazey, John

**CARROLL**

None

**CHESHIRE**

None

**COOS**

Coulombe, Yvonne

Guay, Lawrence

**GRAFTON**

Alger, John  
Weber, Phil

Hinman, Harry

Mirski, Paul

Root, John

**HILLSBOROUGH**

Batula, Peter  
Daniels, Gary  
Holt, David  
Luebker, Bernard  
McGough, Tim  
Pepino, Leo

Brundige, Robert  
Flora, Kathleen  
Jean, Loren  
MacGillivray, Jeffrey  
McRae, Karen  
White, Donald

Burke, M. Virginia  
Healy, Daniel  
Lessard, Rudy  
Marcinkowski, Michael  
Milligan, Robert

Clegg, Robert, Jr.  
Herman, Keith  
Letendre, Evelyn  
Martin, Mary  
Mittelman, David

**MERRIMACK**

Adams, Stephen  
Krueger, Patricia

Brown, Mary  
Langer, Ray

Colburn, Thomas  
Larrabee, David

Crowell, Peter  
Lavoie, Gerard

**ROCKINGHAM**

Beaulieu, Jon  
Fesh, Robert  
Morris, Debbie  
Smith, Kevin

Camm, Kevin  
Guthrie, Joseph  
Packard, Sherman  
Stickney, Nancy

Cegelis, Mark  
Langley, Jane  
Reardon, Neil  
Varrell, Thomas

Dunham, Vivian  
Mikowski, Walter  
Rubin, George

**STRAFFORD**

DeChane, Marlene

McCann, William, Jr.

Vachon, Dennis

**SULLIVAN**

Adler, Rudolf

Kibbey, David

and the report was adopted.

Ordered to third reading.

Reps. Musler and Salatiello declared conflicts of interest and did not participate.

**HB 2-FN-A**, relative to state fees, funds, revenues and expenditures. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Finance: This bill complements HB 1-A, the biennial budget. It makes statutory changes to allow HB 1-A to be executed appropriately. Vote 19-1.

**Amendment (1005h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Environmental Services; Laboratory Equipment Fund. Notwithstanding the provisions of RSA 131:3-a, the department of environmental services shall lapse \$172,062 in fiscal year 1998 and \$101,596 in fiscal year 1999 from the laboratory equipment fund to the general fund.

2 Budget Appropriation Request. Amend RSA 4-A:7 to read as follows:

4-A:7 Budget Appropriation Request. The governor shall include in the budget transmitted to the general court, for each fiscal year in which [his] *the governor's* regular term of office will expire, an appropriation not to exceed ~~[\$5,000]~~ **\$75,000** for carrying out the purpose of this chapter.

3 New Subdivision; Turnpike Renewals and Replacement Funds; Department of Transportation. Amend RSA 237 by inserting after section 49 the following new subdivision:  
Turnpike Renewal and Replacement Accounts

237:49-a Turnpike Renewal and Replacement Account Established. There is established the turnpike renewal and replacement account within the department of transportation. At the close of each fiscal year, all surplus renewal and replacement funds shall be transferred to the turnpike renewal and replacement fund.

4 New Section; Animal Population Control Fund Established. Amend RSA 437-A by inserting after section 4 the following new section:

437-A:4-a Fund Established; Solicitation and Acceptance of Funds.

I. There is hereby established the animal population control fund. Any funds received by the commissioner under this chapter, RSA 466:4, I(c), and RSA 466:6, III shall be deposited in the fund and shall be used by the commissioner exclusively for implementation including veterinarian reimbursement, promotion, and other costs associated with the program. Moneys in the fund shall be continually appropriated to the commissioner. Interest earnings credited to the assets of the fund shall become part of the fund. Any balance remaining in the fund at the end of the fiscal year shall be carried forward to the fund for the next fiscal year.

II. The commissioner may solicit and accept funds from any public or private source to be used to carry out the provisions of this chapter. All such funds shall be deposited into the fund established under paragraph I.

5 New Paragraph; Definition Added. Amend RSA 437-A:1 by inserting after paragraph II the following new paragraph:

III. "Fund" means the animal population control fund established in RSA 437-A:4-a.

6 New Paragraph; Rulemaking Added. Amend RSA 437-A:5 by inserting after paragraph II the following new paragraph:

II-a. Administration of the fund established under RSA 437-A:4-a.

7 Animal Population Control Fees. Amend RSA 466:4, I(c) to read as follows:

(c) The clerk shall remit all companion animal population control fees collected to the state treasurer along with the fees sent in accordance with RSA 466:9, provided that such companion animal population control fees shall be deposited into the ~~general fund~~ **animal population control fund, established in RSA 437-A:4-a.**

8 Animal Population Control Fee. Amend RSA 466:6, III to read as follows:

III. The fee shall be \$20 for the group license, \$2 of which shall be remitted to the town clerk for deposit into the ~~general~~ **animal population control fund, established in RSA 437-A:4-a**, as the companion animal population control fee, and \$18 shall be retained by the town or municipality.

9 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (ooo) the following new subparagraph:

(ppp) Moneys received under RSA 466:4, I(c), RSA 466:6, III, and RSA 437-A which shall be credited to the animal population control fund, established in RSA 437-A:4-a.

10 Repeal. 1996, 152, relative to the budget for the animal population control program, is repealed.

11 New Hampshire Legal Assistance; Civil Legal Assistance to Low-Income Persons. Amend RSA by inserting after chapter 525 the following new chapter:

### CHAPTER 525-A

#### CIVIL LEGAL ASSISTANCE

525-A:1 Civil Legal Assistance. Funds appropriated to New Hampshire Legal Assistance for the purposes of civil legal assistance shall be used only for the provision of civil legal representation to low-income persons in this state. New Hampshire Legal Assistance shall make reports to the judicial council by June 30 and December 31 of each year on its use of state funds.

12 Developmentally Disabled Waitlist; Funding. Notwithstanding the provisions of 1995, 310:63, PAU 05, 01, 05, 03, 01, class line 93, as inserted by 1997, HB 1-A shall be funded in part from the appropriation made to the department of health and human services in 1995, 310:63, III(b)(2).

13 Route 93 Borrow-a-Lane Project; Appropriation.

I. The department of transportation shall complete the physical improvements to Route 93 in Concord and Bow authorized in 1995, 308:43, including the construction of necessary roadway and signage, to create a temporary southbound lane on Route 93 in Concord and Bow which can be utilized on an as needed basis.

II. The sum of \$30,000 is appropriated for the fiscal year ending June 30, 1998, and the sum of \$30,000 is appropriated for the fiscal year ending June 30, 1999, to the department of transportation for the purposes of paragraph I of this section. This appropriation shall be a charge against the highway fund.

14 Effective Date. This act shall take effect July 1, 1997.

#### AMENDED ANALYSIS

This bill:

(1) Lapses money in the department of environmental services laboratory equipment fund to the general fund.

(2) Increases the cap on the governor's budget appropriation request for expenditures surrounding the transfer of power to the governor-elect from \$5,000 to \$75,000.

(3) Makes turnpike renewals and replacement funds nonlapsing.

(4) Establishes the animal population control fund which shall be funded by the animal population control fees under RSA 466. The fund is continually appropriated to the commissioner of the department of agriculture, markets, and food and shall be used for the purposes of the animal population control program.

(5) Clarifies the use of funds appropriated for civil legal assistance.

(6) States that the developmentally disabled waitlist shall be funded in part from an appropriation made to the department of health and human services from county intergovernmental transfers to the state in 1995, 310:63.

(7) Directs the department of transportation to complete the Route 93 borrow-a-lane project and makes an appropriation to the department for such project.

Adopted.

Rep. Channing Brown offered a floor amendment.

#### Floor Amendment(1033h)

Amend the bill by inserting after section 13 the following and renumbering the original section 14 to read as 15:

14 Meals and Rooms Tax Commission Decreased. Amend RSA 78-A:7, III to read as follows:

III. To compensate operators for keeping the prescribed records and the proper account and remitting of taxes by them, operators are allowed to retain [3] 2 percent of the taxes due and to be remitted if the return and payment are timely received by the department of revenue administration, as provided in RSA 78-A:8, III.

#### AMENDED ANALYSIS

This bill:

(1) Lapses money in the department of environmental services laboratory equipment fund to the general fund.

(2) Increases the cap on the governor's budget appropriation request for expenditures surrounding the transfer of power to the governor-elect from \$5,000 to \$75,000.

- (3) Makes turnpike renewals and replacement funds nonlapsing.
  - (4) Establishes the animal population control fund which shall be funded by the animal population control fees under RSA 466. The fund is continually appropriated to the commissioner of the department of agriculture, markets, and food and shall be used for the purposes of the animal population control program.
  - (5) Clarifies the use of funds appropriated for civil legal assistance.
  - (6) States that the developmentally disabled waitlist shall be funded in part from an appropriation made to the department of health and human services from county intergovernmental transfers to the state in 1995, 310:63.
  - (7) Directs the department of transportation to complete the Route 93 borrow-a-lane project and makes an appropriation to the department for such project.
  - (8) Decreases the commission which may be retained by operators for the meals and rooms tax from 3 percent to 2 percent.
- Rep. Channing Brown spoke in favor and yielded to questions.  
 Rep. Cooper spoke against and yielded to questions.  
 Rep. Channing Brown withdrew his floor amendment.  
 Reps. Cobbin and Mirski offered a floor amendment.

### Floor Amendment(1054h)

Amend the bill by replacing all after section 13 with the following:

14 Business Profits Tax. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of [7] 6 percent upon the taxable business profits of every business organization.

15 Effective Date.

I. Section 14 of this act shall take effect July 1, 1997, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1997. In the case of any business enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 1997, the taxable period shall be deemed to have ended on June 30, 1997, for the purposes of section 14 of this act.

II. The remainder of this act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill:

- (1) Lapses money in the department of environmental services laboratory equipment fund to the general fund.
  - (2) Increases the cap on the governor's budget appropriation request for expenditures surrounding the transfer of power to the governor-elect from \$5,000 to \$75,000.
  - (3) Makes turnpike renewals and replacement funds nonlapsing.
  - (4) Establishes the animal population control fund which shall be funded by the animal population control fees under RSA 466. The fund is continually appropriated to the commissioner of the department of agriculture, markets, and food and shall be used for the purposes of the animal population control program.
  - (5) Clarifies the use of funds appropriated for civil legal assistance.
  - (6) States that the developmentally disabled waitlist shall be funded in part from an appropriation made to the department of health and human services from county intergovernmental transfers to the state in 1995, 310:63.
  - (7) Directs the department of transportation to complete the Route 93 borrow-a-lane project and makes an appropriation to the department for such project.
  - (8) Decreases the business profits tax from 7 percent to 6 percent.
- Reps. Mirski, Alger and Cobbin spoke in favor.  
 Rep. Kurk spoke against.  
 Rep. Mirski requested a roll call; sufficiently seconded.  
 The question being the adoption of the Cobbin/Mirski floor amendment.

**YEAS 47 NAYS 273****YEAS 47****BELKNAP**

Boyce, Robert

**CARROLL**

Cooper, Kipp

Dickinson, Howard, Jr.

Patten, Betsey

**CHESHIRE**

Steere, Myron, III

**COOS**

Merrill, Gerald

**GRAFTON**

Akins, Ralph

Alger, John

Cobbin, Philip

Connolly, Steven

Guaraldi, Lawrence

Mirski, Paul

Root, John

Weber, Phil

**HILLSBOROUGH**

Batula, Peter

Briefs, Geoffrey

Buckley, Raymond

Clegg, Robert, Jr.

Jean, Loren

Lessard, Rudy

Letendre, Evelyn

Luebker, Bernard

Marcinkowski, Michael

McGough, Tim

McRae, Karen

Mittelman, David

White, Donald

**MERRIMACK**

Adams, Stephen

Brown, Mary

Colburn, Thomas

Crowell, Peter

Krueger, Patricia

Larrabee, David

Lavoie, Gerard

**ROCKINGHAM**

Camm, Kevin

Dunham, Vivian

Mikowski, Walter

Millard, Ralph

Morris, Debbie

Raynowska, Bernard

Reardon, Neil

Rubin, George

Smith, Kevin

Varrell, Thomas

Verani, Giovanni

**STRAFFORD**

Bickford, David

**SULLIVAN**

Kibbey, David

**NAYS 273****BELKNAP**

Bartlett, Gordon

Boriso, Thomas

Clark, Charles

Golden, Paul

Holbrook, Robert

Hurt, George

Laflam, Robert

Lawton, David

Lawton, Robert

Pilliod, James

Rice, Thomas, Jr.

Salatiello, Thomas

Thomas, John

Turner, Robert

Veazey, John

Ziegra, Alice

**CARROLL**

Bradley, Jeb

Chandler, Gene

Foster, Robert

Howard, Godfrey

Kenney, Joseph

Lyman, L. Randy

MacDonald, Kenneth

**CHESHIRE**

Bonneau, Sarah

Burnham, Daniel

Champagne, Richard

DePecol, Benjamin

Doucette, Richard

Hunt, John

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

McNamara, Wanda

Meador, David

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

Smith, Edwin

Vogl, John

**COOS**

Bradley, Paula  
Guay, Lawrence  
Pratt, Leighton

Coulombe, Henry  
Horton, Lynn  
Tholl, John, Jr.

Coulombe, Yvonne  
Mears, Edgar

Davis, Perley  
Moynihan, Wayne

**GRAFTON**

Almy, Susan  
Eaton, Stephanie  
Luker, Elsa  
Williams, William, Jr.

Below, Clifton  
Hinman, Harry  
Nordgren, Sharon

Brown, Channing  
LaMott, Paul  
Teschner, Douglass

Copenhagen, Marion  
Lovett, Sidney  
Trelfa, Richard

**HILLSBOROUGH**

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Bergin, Peter  
Burke, M. Virginia  
Christiansen, Lars  
Daniels, Gary  
Durham, Susan  
Fenton, James  
Gage, Ruth  
Gosselin, Gerald  
Hart, Nick  
Holley, Sylvia  
Johnson, Lionel  
Lefebvre, Roland  
Lynde, Harold  
Martin, Mary  
Melcher, Harold  
Morello, Michael  
Pepino, Leo  
Reidy, Frank  
Vaillancourt, Steve

Alukonis, David  
Asselin, Robert  
Bernier, Shannon  
Calawa, Leon, Jr.  
Clay, Susan  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Ferguson, Charles  
Gagnon, Eugene  
Goulet, Maurice  
Healy, Daniel  
Holt, David  
Kelley, Robert  
Leishman, Peter  
MacAuslan, Rita  
McCarthy, William  
Mercer, Robert  
Murphy, Robert  
Perkins, Paul  
Sargent, Maxwell  
Welch, Donald

Ameen, W.  
Barry, William, III  
Boutin, David  
Cardin, Lori  
Cote, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Fields, Dennis  
Ginsburg, Ruth  
Hall, Betty  
Herman, Keith  
Hunter, Bruce  
Kelly, Michael  
Leonard, Peter  
MacGillivray, Jeffrey  
McCarty, Winston  
Messier, Irene  
O'Hearn, Jane  
Peterson, Andrew  
Thulander, O. Alan  
Wheeler, Robert

Amidon, Eleanor  
Belvin, William  
Brundige, Robert  
Carlson, Donald  
Daigle, Robert  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Linda  
Golding, William  
Hansen, Herbert  
Holden, Carol  
Jean, Claudette  
Kurk, Neal  
Lozeau, DonnaLee  
MacIntyre, Doris  
McDonald, James, Sr.  
Milligan, Robert  
O'Rourke, Thomas  
Piteri, Dawn  
Turgeon, Roland

**MERRIMACK**

Anderson, Eric  
Dunn, Miriam  
Gile, Mary  
Langer, Ray  
Maxfield, Roy  
Pfaff, Terence  
St. Cyr, Gerard  
Whitemore, James

Chandler, Earle  
Feuerstein, Martin  
Hess, David  
Leber, William  
Moore, Carol  
Reardon, Tara  
Wallin, Jean  
Yeaton, Charles

Crosby, Toni  
Fraser, Marilyn  
Hoadley, Elizabeth  
Lockwood, Robert  
Morrill, Olive  
Rogers, Katherine  
Wallner, Mary Jane

Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Marshall, Kenneth  
Nichols, Avis  
Seldin, Gloria  
Whalley, Michael

**ROCKINGHAM**

Abbott, Dennis  
Belanger, Ronald  
Christie, Andrew, Jr.  
Cote, Patricia  
Dolan, Richard  
Dube, LeRoy  
Flanders, David  
Gibbons, Paul  
Heath, John  
Katsakiores, Phyllis  
Langley, Jane

Aranda, M. Kathryn  
Blanchard, MaryAnn  
Clark, Martha  
Cushing, Robert  
Dowd, Sandra  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Gleason, John  
Henderson, Warren  
Kelley, Jane  
Langone, John

Arndt, Janet  
Case, Margaret  
Coes, Betsy  
Dearborn, Bruce  
Dowling, Patricia  
Fesh, Robert  
Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Rebecca  
Klemm, Arthur, Jr.  
Letourneau, Robert

Beaulieu, Jon  
Cegelis, Mark  
Cooney, Richard  
Dodge, Robert  
Downing, Michael  
Flanagan, Natalie  
Frechette, Joseph  
Guthrie, Joseph  
Johnson, Robert  
Kobel, Rudolph  
Lovejoy, Marian

Major, Norman  
McKinney, Betsy  
Packard, Sherman  
Stritch, C. Donald  
Welch, David

Malcolm, Kenneth  
Micklon, Stephanie  
Sabella, Norma  
Syracusa, Anthony  
Weyler, Kenneth

McCarthy, John, Jr.  
Norelli, Terie  
Schanda, Frank  
Vaughn, Charles  
Woods, Deborah

McGovern, Cynthia  
Noyes, Richard  
Stone, Joseph  
Weatherspoon, Jackie

### STRAFFORD

Brennan, William  
Grassie, Anne  
Keans, Sandra  
Merritt, Deborah  
Snyder, Clair  
Torr, Franklin

DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Rogers, Rose Marie  
Spear, Barbara  
Tsiros, William

Dunlap, Patricia  
Hilliard, Dana  
McKinley, Robert  
Rollo, Michael  
Taylor, Kathleen  
Twardus, Joseph

Estabrook, Iris  
Kaen, Naida  
Merrill, Amanda  
Smith, Marjorie  
Torr, Ann  
Vachon, Dennis

### SULLIVAN

Burling, Peter  
Flint, Gordon  
Wiggins, Celestine

Cloutier, John  
Leone, Richard

Donovan, Thomas  
Lindblade, Eric

Ferland, Brenda  
Palmer, Lorraine

and the floor amendment failed.

Rep. Simmons did not vote and wished to be recorded against.

Report adopted and ordered to third reading.

**HB 609-FN-L**, enacting the Uniform Interstate Family Support Act (UIFSA) and relative to child support. **OUGHT TO PASS WITH AMENDMENT**

Rep. Deborah L. Woods for Judiciary and Family Law: The purpose of this bill is to enact the Uniform Interstate Family Support Act (UIFSA) and to improve procedures and processes related to the establishment of paternity and the establishment and enforcement of child support obligations as an integral part of achieving welfare reform by increasing child support collections, therefore increasing the income available to households with children, and enabling families to become self sufficient and leave public assistance. Primarily a federal mandate, this bill caused great concern for members of the committee, including the sponsors who sit on the committee. Issues concerning protection of confidential information of individuals as well as how the bill would affect the Department of Employment Security; the banking industry; and people who were caught up in the system who should not be. The committee had re-committed because it only had 6 days between the public hearing on 2/27/97 and the due date to report it out 3/5/97. Over the past four weeks the committee had the opportunity to go over the bill line by line. Protections for privacy were added. Concerns of the banks and Department of Employment Security were addressed. At the same time, it was important that this bill comply with the federal law to avoid the loss of millions of dollars in revenue for child care; for employers; for temporary assistance to needy families. The majority of the committee believes that it has crafted the best bill it can, and that it is an important and necessary bill. If ought to pass with amendment is successful, the committee will continue to follow this bill closely to ensure its concerns are known and to perhaps find further ways to make it better. Vote 17-3.

### Amendment (0999h)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to enact the Uniform Interstate Family Support Act (UIFSA) and to improve procedures and processes related to the establishment of paternity and the establishment and enforcement of child support obligations as an integral part of achieving welfare reform by increasing child support collections, thereby increasing the income available to households with children, and enabling families to become self sufficient and leave public assistance. There shall be in effect safeguards, applicable to all confidential information handled by the department, that are designed to protect the privacy rights of the parties against unauthorized use or disclosure of information relating to proceedings or actions to establish paternity, or to establish or enforce support.

2 Affidavits of Paternity; Procedure. RSA 126:6-a, II-a is repealed and reenacted to read as follows:

II-a. When an affidavit of paternity is executed in a hospital or birthing center, or before a midwife, the following procedure shall apply:

(a) A hospital, birthing center, or midwife shall provide to an unmarried mother of a live child born in a hospital, birthing center, or other location, an affidavit of paternity that can be completed by the child's mother and father to acknowledge paternity of a child, which affidavit shall be notarized by the hospital or birthing center staff if the birth occurs in a hospital or birthing center. Before a mother and a putative father can sign an affidavit of paternity, they shall be given oral and written notice of the legal consequences of signing the affidavit, including the resulting rights and responsibilities and the alternatives to acknowledging paternity by affidavit. If one parent is a minor, notice shall include any rights afforded by minority status.

(b) When a mother and father sign an affidavit of paternity, a hospital, birthing center, or midwife shall:

(1) Complete the affidavit of paternity and forward the record to the bureau of vital records and health statistics; and

(2) File a copy of the affidavit of paternity with the department of health and human services, office of child support enforcement services, at the address indicated on the affidavit of paternity.

(c) For each affidavit of paternity signed and filed in accordance with this paragraph, the department of health and human services shall reimburse the hospital, birthing center, or midwife in an amount authorized by federal law.

(d) The department of health and human services shall develop and distribute to a hospital, birthing center, or midwife free of charge the affidavit of paternity forms, information on the purpose and completion of the form, information on the rights and responsibilities of the parents, and assistance and training to staff assigned responsibility for providing the information.

3 New Paragraphs; Procedures for Affidavits of Paternity. Amend RSA 126:6-a by inserting after paragraph II-a the following new paragraphs:

II-b. When an affidavit of paternity is executed and filed with the clerk of the town where the birth occurs, the following procedures shall apply:

(a) In those instances where an affidavit of paternity is completed by the parents of the child and filed directly with the clerk of the town where the birth occurs, the clerk of the town shall forward a copy of the affidavit of paternity to the department of health and human services, office of child support, enforcement services at the address indicated on the affidavit of paternity and shall forward the electronic record to the bureau of vital records and health statistics. Before a mother and a putative father may sign an affidavit of paternity, they shall be given oral and written notice of the legal consequences of signing the affidavit, including the resulting rights and responsibilities and the alternatives to acknowledging paternity by affidavit. If one parent is a minor, notice shall include any rights afforded by minority status.

(b) The department of health and human services shall develop and distribute to a clerk of the town free of charge the affidavit of paternity forms, information on the purpose and completion of the form, information on the rights and responsibilities of the parents, and assistance and training to staff assigned responsibility for providing the information.

II-c. The bureau of vital records and health statistics shall link an electronic record of an affidavit of paternity with the original birth record of the child.

II-d. An affidavit of paternity signed pursuant to this section shall be considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of:

(1) Sixty days; or

(2) The date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party.

II-e. Written notice of rescission shall be sent to the clerk of the town in which the birth occurred, with a copy to the office of child support enforcement services at the address indicated on the affidavit, no later than 60 days after the affidavit is signed. After expiration of the rescission period, the signed affidavit of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment shall not be suspended during the challenge, except for good cause shown.

II-f. When an affidavit of paternity has been properly completed and the certificate of birth has been filed accordingly, and the acknowledgment has not been rescinded pursuant to this section, any further modification of the birth certificate regarding the paternity of the child shall require an order from a court of competent jurisdiction.

4 New Paragraph; Rulemaking Authority of Commissioner. Amend RSA 126:6-a by inserting after paragraph V the following new paragraph:

VI. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to implementing the commissioner's duties under this section.

5 New Paragraph; Disclosure of Information From Vital Records. Amend RSA 126:14 by inserting after paragraph VI the following new paragraph:

VII. Disclosure of voluntary acknowledgments and adjudication of paternity by judicial or administrative processes shall be released for the purposes of the state case registry pursuant to RSA 161-B:7.

6 Repository for Information; State Case Registry. RSA 161-B:7, I is repealed and reenacted to read as follows:

I. The department is authorized and directed to establish a central unit to serve as a repository of information, to answer inquiries concerning absent parents and other persons legally responsible for support, to coordinate and supervise departmental activities in relation to such persons, and to establish a state case registry which shall contain records with respect to each case in which services are being provided by the department, and in each case in which any support order is established or modified in the state on or after October 1, 1998. The records in the state case registry shall:

(a) Contain standardized data for both parents such as names, social security numbers, and other uniform identification numbers, and with respect to those in which a support order has been established and in which the department is providing services, shall also contain the following:

(1) The amount of weekly (or other periodic) support ordered, and other amounts, including arrearages, interest or late payment penalties, and fees due or overdue under the order.

(2) Any amount described in subparagraph (a)(1) that has been collected.

(3) The distribution of such collected amounts.

(4) The birth date of any child for whom the order requires the provision of support.

(5) The amount of any lien imposed with respect to the order pursuant to RSA 161-C:10 or 458:17, VII-a.

(b) With respect to those cases in which the department is providing services, be promptly established, maintained, and regularly updated on the basis of:

(1) Information on administrative actions and administrative and judicial proceedings and orders relating to paternity and support.

(2) Information obtained from federal, state, or local sources of information.

(3) Information on support collections and distributions.

7 Statutory References Revised. Amend RSA 161-B:7, III to read as follows:

III. Any records established or information collected pursuant to the provisions of this chapter shall be made available only to the commissioner and the attorney general and their authorized designees, attorneys employed by the office of child support, attorneys responsible for the administration of RSA [546] *546-B*, the client or the client's authorized representative, and courts or agencies in other states engaged in the enforcement of support of minor children as authorized by federal law or the rules of the department. Such records and information shall be available and used only for purposes directly connected with establishment, enforcement, or modification of child support and the administration of this chapter. The records and information made available to the client or the client's authorized representative shall not include information provided to the department that is prohibited from release by federal law, state statute, state case law, or by contract or agreement between the department and another entity if such contract or agreement prohibits release of such information.

8 Revocation and Denial of Licenses. Amend RSA 161-B:11, I to read as follows:

I. The department shall be authorized to certify that an obligor is not in compliance with a legal order of support, *or that any party has failed, after receiving notice, to comply with subpoenas or orders relating to paternity or child support proceedings*, to any licensing board for the purpose of suspending, revoking, or denying the issuance or renewal of any appropriate license or licenses held by the obligor *or party*.

9 New Paragraph; Recording Social Security Numbers. Amend RSA 161-B:11 by inserting after paragraph VI the following new paragraph:

VI-a. The social security number of any applicant for a professional license, commercial driver's license, occupational license, or marriage license shall be recorded on the application, provided that if the use of a number other than the social security number is allowed, the applicant shall be so advised. Any application required by this section to contain a social security number shall be confidential and not subject to the right to know law. The use of such number shall be limited to proceedings or actions to establish paternity or to establish or enforce support and shall only be provided to or entered in any out-of-state or federal data base for those cases for which the department is providing services.

10 New Paragraph; "Account" Defined. Amend RSA 161-C:2 by inserting after paragraph I the following new paragraph:

I-a. "Account" means a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, money market mutual fund account, or brokerage account.

11 New Paragraph; "Financial Institution" Defined. Amend RSA 161-C:2 by inserting after paragraph VI-a the following new paragraph:

VI-b. "Financial institution" means:

(a) A depository institution, as defined in section 3(c) of the Federal Deposit Insurance Act at 12 U.S.C. 1813(c).

(b) An institution-affiliated party, as defined in section 3(u) of such act at 12 U.S.C. 1813(u).

(c) Any federal credit union or state credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752), including an institution-affiliated party of such a credit union, as defined in section 206(r) of such act at 12 U.S.C. 1786(r).

(d) Any benefit association, insurance company, safe deposit company, money market mutual fund, brokerage firm, federal or state-chartered fiduciary bank, or similar entity.

12 Access to Information Contained in Certain Records. RSA 161-C:3-a, I-III are repealed and reenacted to read as follows:

I. Notwithstanding the provisions of RSA 359-C or any other law to the contrary, the commissioner is hereby authorized to request, on an individually-named basis, and receive, on the same basis, from any bank, trust company, savings and loan association, credit union, or other financial institution doing business in this state information with respect to the transactions with any institution and the assets of any delinquent obligor or individual against whom the department is seeking to establish or enforce an obligation of support. The institution shall furnish the information within 15 days of the department's request. After such time, an institution which fails to comply with these provisions shall be liable for an administrative fine of \$50 per day.

II. The commissioner is hereby authorized to request and receive from any former or current employer, including for-profit, nonprofit, and governmental employers, information necessary to the establishment or enforcement of child support orders, including, but not limited to, the dates of employment, number of hours worked, rate of pay, date of birth, available health insurance, current address, payroll deductions, and social security number of any delinquent obligor or individual against whom the department is seeking to establish or enforce an obligation of support. The institution shall furnish the information within 15 days of the department's request. After such time, an employer who fails to comply with these provisions shall be liable for an administrative fine of \$50 per day.

III. The department and any financial institution or employer who discloses financial or employment records under this section shall not be subject to civil liability or criminal prosecution which is based upon its disclosure under this section, or for any other action taken in good faith to comply with the requirements of this section. A financial institution shall not be liable under federal or state law to any person for encumbering or surrendering any assets held by such financial institution in response to a notice of lien or levy issued by the department.

13 Statutory Reference Revised. Amend RSA 161-C:3-a, IV to read as follows:

IV. Any records established or information collected pursuant to the provisions of this chapter shall be made available only to the commissioner and the attorney general and their authorized designees, attorneys employed by the office of child support, attorneys responsible for the administration of RSA [546] 546-B, the client or the client's authorized representative and courts or

agencies in other states engaged in the enforcement of support of minor children as authorized by the rules of the department. Such records and information shall be available and used only for purposes directly connected with establishment, enforcement or modification of child support and the administration of this chapter. The records and information made available to the client or the client's authorized representative shall not include information provided to the department that is prohibited from release by federal law, state statute, state case law, or by contract or agreement between the department and another entity if such contract or agreement prohibits release of such information.

14 New Paragraphs; Access to Information. Amend RSA 161-C:3-a by inserting after paragraph V the following new paragraphs:

VI. The department is authorized to obtain access to certain records held by public utilities and cable television companies with respect to individuals who owe or are owed support, or against or with respect to whom a support obligation is sought, consisting of the names and addresses of such individuals and the names and addresses of the employers of such individuals, pursuant to an administrative subpoena issued by the commissioner.

VII. The department is authorized to enter into agreements with financial institutions doing business in the state:

(a) To develop and operate, in coordination with such financial institutions, a data match system, using automated data exchanges to the maximum extent feasible, in which each financial institution is required to provide for each calendar quarter the name, record address, social security number or other taxpayer identification number, and other identifying information for each obligor who maintains an account at the financial institution and who owes past-due support, as identified by the state by name and social security number or other taxpayer identification number.

(b) In response to a notice of lien or levy, to encumber or surrender, as the case may be, assets held by such institution on behalf of any obligor who is subject to a child support lien pursuant to RSA 161-C.

VIII. The department shall pay a reasonable fee to a financial institution for conducting the data match provided for in paragraph VII(a), not to exceed actual costs incurred by such financial institution.

15 Subpoenas. RSA 161-C:3-c is repealed and reenacted to read as follows:

161-C:3-c Power to Subpoena Financial and Other Records. Pursuant to the department's responsibilities, the commissioner shall have the power to subpoena any financial or other information needed to establish, modify, or enforce a support order.

16 New Section; Penalty for Failure to Comply. Amend RSA 161-C by inserting after section 3-c the following new section:

161-C:3-d Penalty for Failure to Comply With Subpoena. Any person who owes or is owed a duty of support who knowingly fails to comply with a subpoena issued pursuant to RSA 161-C:3-c:

I. May be subject to license revocation under RSA 161-B:11; and

II. Shall be guilty of a misdemeanor.

17 Assertion of Lien; Accrual of Support. RSA 161-C:10, I is repealed and reenacted to read as follows:

I. Twenty-one days after service of notice of debt under RSA 161-C:7, or service of the decision under RSA 161-C:9, the amount stated in the notice of debt or in the decision shall be a lien against all property of the responsible parent and shall incorporate any unpaid child support which may accrue in the future. This lien shall be separate and apart from and in addition to any other lien created by or provided for in this chapter.

18 New Sections; Denial of Passports; Hiring Reports. Amend RSA 161-C by inserting after section 26-a the following new sections:

161-C:26-b Denial of Passports.

I. The department is authorized to certify to the United States Secretary of Health and Human Services, pursuant to section 652(k) of the Social Security Act, that an obligor owes child support arrearages in an amount exceeding \$5,000 and is out of compliance with a legal order of support.

II. The obligor shall be given prior notice of the determination and of the consequences and an opportunity to contest the determination.

161-C:26-c Hiring Reports. The department shall be authorized to receive from the state directory of new hires maintained by the department of employment security pursuant to RSA

282-A:117-a, I, reports made by an employing unit of the hire, rehire, or contracting of services of any named individual whom the department seeks to locate for purposes of establishing paternity and establishing, modifying, and enforcing child support obligations.

19 Standing of Putative Fathers. RSA 168-A:2, I is repealed and reenacted to read as follows:

I. Paternity shall be established upon the filing of:

(a) A petition to the superior court by the mother, putative father, child, or public authority chargeable by law with the support of the child and the granting of such petition by the court; or

(b) An affidavit of paternity with the clerk of the town where the birth of the child occurred pursuant to RSA 126:6-a, I(b) or II. The affidavit of paternity shall have the legal effect of establishing paternity without requiring further action pursuant to this chapter, unless rescinded pursuant to RSA 126:6-a, II-d.

20 New Paragraphs; Paternity Records; Admissibility of Certain Expenses. Amend RSA 168-A:2 by inserting after paragraph IV the following new paragraphs:

V. Upon determining paternity, the court shall provide a copy of the order to the bureau of vital records and health statistics, except that the office of child support enforcement services shall provide the copy to the bureau of vital records and health statistics in cases initiated by the department.

VI. Copies of bills for pregnancy, childbirth, and genetic paternity testing shall be admissible as evidence without requiring third-party foundation testimony, and shall constitute prima facie evidence of costs incurred for such services or for genetic paternity testing.

21 Remedies. RSA 168-A:4, I is repealed and reenacted to read as follows:

I. The superior court has jurisdiction of a proceeding under this chapter and all remedies for the enforcement of judgments for expenses of pregnancy and confinement for a mother or for education or necessary support of children apply including, but not limited to, the provisions of RSA 161-B, 161-C, and 458.

22 Remedies. RSA 168-A:4, III is repealed and reenacted to read as follows:

III. Upon the prayer of the petitioner the court shall schedule an immediate hearing, as in the cases of prayers for temporary relief in divorce and legal separation proceedings, on the issue of whether, and how much, the alleged father of the child in question shall be required to post in advance as security for the payment of maternity and other expenses for which he may ultimately be held liable under this chapter. The court has continuing jurisdiction to modify or revoke a judgment for future education and necessary support. All remedies under the Uniform Interstate Family Support Act and all remedies included but not limited to the provisions contained in RSA 161-B, 161-C and 458 are available for enforcement of duties of support under this chapter.

23 No Right to Jury Trial. RSA 168-A:5 is repealed and reenacted to read as follows:

168-A:5 Time of Trial; No Right To Jury Trial.

I. If the issue of paternity is raised in a proceeding commenced during the pregnancy of the mother, the trial shall not, without the consent of the alleged father, be held until after the birth or miscarriage but during such delay testimony may be perpetuated according to the laws of this state.

II. No right to a jury trial exists in a proceeding to establish paternity.

24 Statutory Reference Revised. Amend RSA 170-A:2 to read as follows:

170-A:2 Financial Responsibility. Financial responsibility for any child placed pursuant to the provisions of the Interstate Compact on the Placement of Children shall be determined in accordance with the provisions of Article V ~~[thereof]~~ *of the compact* in the first instance. However, in the event of partial or complete default of performance ~~[thereunder]~~ *under the compact*, the provisions of RSA ~~[546, as amended by 1959, 271:1 and]~~ RSA 546-A ~~[as inserted by 1955, 206:1]~~ *and RSA 546-B* shall apply.

25 Statutory Reference Revised. Amend the introductory paragraph of RSA 173-B:11-a, II to read as follows:

II. The superior court, in any action determining the obligation of the obligor to support the obligee or the parties' minor children, including but not limited to actions for divorce, pursuant to RSA 458; custody, pursuant to RSA 458; paternity, pursuant to RSA 163-A; child support, pursuant to RSA 161-B, RSA 161-C and RSA 458; reimbursement of public assistance, pursuant to RSA 161-C; and the uniform ~~[reciprocal enforcement of]~~ *interstate family support act*, pursuant to RSA ~~[546]~~ *546-B*; shall take judicial notice of any support obligation established pursuant to RSA 173-B:4, I(b)(4), upon the filing of a certified copy of the district court order in the superior court by:

26 New Section; Reports to Department of Employment Security; Newly Hired, Rehired, or Contracted Service Employees. Amend RSA 282-A by inserting after section 117 the following new section:

282-A:117-a Employment Reports to Department of Employment Security; State Directory of New Hires.

I. The commissioner shall, pursuant to an agreement with the department of health and human services which shall include payment of costs of administration, maintain a state directory of new hires. Any employing unit shall report to the department for entry into the directory:

(a) The hiring of an individual who earns wages or any other form of compensation in this state;

(b) The rehiring of such individual who was permanently laid off or otherwise terminated from employment; and

(c) The contracting for services, other than casual labor, in this state with an individual, in accordance with the rules adopted by the commissioner, when reimbursement for such services is anticipated to exceed \$2,500.

II. An employing unit with employees in 2 or more states, which transmits reports magnetically or electronically, may comply with this section by designating one of the states as the state to which the reports will be transmitted. Such an employing unit shall notify the United States Secretary of the Department of Health and Human Services in writing as to which state is so designated.

III. An employing unit required to report under paragraph I shall mail or transmit a copy of the individual's W-4 form to the department or send all information required in paragraph V in a format acceptable to the department by electronic or magnetic tape or by any other means mutually agreed upon.

IV. The employing unit shall submit to the department a report of an individual's hire, rehire, or contract for services within 20 days of such action or, in the case of magnetic or electronic reports, by 2 monthly transmissions not less than 12 days nor more than 16 days apart. The report shall contain:

(a) The individual's complete name, address, and social security number.

(b) The employing unit's name, address, and federal and state identification number.

V.(a) Information reported under paragraphs III and IV shall be entered by the department in the state directory of new hires within 5 business days of receipt.

(b) The department shall report to the National Directory of New Hires only those named individuals for whom the department of health and human services is providing services.

VI. The department and the department of health and human services shall conduct automated comparisons of the social security numbers reported by employing units pursuant to paragraphs III and IV and the social security numbers appearing in the records of the state case registry of child support cases pursuant to RSA 161-B:7, I. When such comparison reveals a match with respect to the social security number of an individual required to provide support under a support order, the department shall provide the department of health and human services with the name, address, and social security number of the individual to whom the social security number is assigned, and the employing unit's name, address, and federal and state identification number.

VII. Within 3 business days after the date the information is entered into the directory, the department shall furnish the information to the national directory of new hires.

VIII. The department of health and human services shall be authorized to use the information transmitted to it by the department of employment security, to establish paternity and establish, modify, and enforce child support obligations against a named individual and may disclose such information about such named individual to any agency under contract with the department of health and human services to carry out such purposes.

IX. The department of employment security shall furnish to the national directory of new hires quarterly extracts of the reports required under 42 U.S.C. 503 (a) (6) to be made to the United States Secretary of Labor concerning the wages and unemployment compensation paid to individuals, by such dates, in such format, and containing such information as the United States Secretary of Health and Human Services shall specify in regulations.

X. State agencies responsible for administering any program specified in 42 U.S.C. 1320b-7(b) shall have access to information reported by employers pursuant to this section pertaining to named individuals for purposes of verifying eligibility for the program.

XI. The department of employment security and state agencies operating workers' compensation programs shall have access to information reported by employers pursuant to this section for the purposes of administering such programs.

XII. Any individual earning wages in this state, hired or rehired by an employing unit, or entering into a contract for services with an employing unit, shall be deemed to consent to the release to, and the disclosure by, the department of the information consistent with the provisions of this section.

XIII. This section does not apply to an employee of a federal or state agency performing intelligence or counterintelligence functions, if the head of such agency has determined that reporting pursuant to this section with respect to the employee could endanger the employee's safety or compromise an ongoing investigation or intelligence mission.

XIV. The commissioner and the commissioner of health and human services may adopt such rules as may be necessary for the efficient administration of this section pursuant to RSA 541-A.

27 New Paragraph; Support and Custody of Children. Amend RSA 458:17 by inserting after paragraph VII the following new paragraph:

VII-a. Liens shall arise by operation of law against real and personal property for child support arrearages owed by an obligor who resides or owns property in the state and shall incorporate any unpaid child support which may accrue in the future. Full faith and credit shall be given to such liens arising in another state when the state agency, a party, or other entity authorized to enforce an order of support and seeking to perfect the lien complies with the procedural rules relating to recording or serving liens. Notwithstanding any law to the contrary, such rules may not require judicial notice prior to perfecting the lien.

28 Department of Health and Human Services as Responsible Agency. RSA 458-B:3, III is repealed and reenacted to as follows:

III. Collection and disbursement of all support orders initially issued in the state on or after January 1, 1994, which are not being enforced by the department, shall be enforced through the state disbursement unit where the obligor is subject to income withholding pursuant to 458-B, whether or not the obligee has applied for IV-D services. In such cases, the department's role is limited to monitoring, collecting, and disbursing moneys under this section.

29 Reference to Wages Changed to Income. Amend the introductory paragraph of RSA 458-B:5, I to read as follows:

I. When support is payable through the department if ~~[wages are]~~ *income is* not subject to immediate assignment under this chapter, including cases subject to a finding of good cause or to a written agreement, before notice of the ~~[wage]~~ *income* assignment may be given to an employer by the department, the obligor shall be given at least 15 days' prior notice of the commencement of ~~[wage]~~ *income* withholding procedures under this chapter. The notice to the obligor shall include:

30 Reference to Wages Changed to Income. Amend RSA 458-B:5, II to read as follows:

II. For orders issued or modified on or after October 1, 1985, when support is not payable through the department and ~~[wages are]~~ *income is* not subject to immediate assignment under this chapter, including cases subject to a finding of good cause or to a written agreement, before an individual or a legal representative seeks to establish ~~[a wage]~~ *an income* assignment payable directly to an obligee, notice must be given to the obligor at least 15 days prior to commencement of ~~[wage]~~ *income* assignment procedures under this chapter. The notice to the obligor shall include the notice provisions under subparagraphs (a), (b), and (c) of paragraph I and a notice of the period within which the obligor must give written notice to the obligee in order to contest the assignment.

31 Genetic Tests to Determine Paternity. RSA 522:1 is repealed and reenacted to read as follows: 522:1 Authority for Test.

I. In a civil action in which paternity is a contested and relevant issue, the mother, child and putative father shall submit to blood, tissue typing and/or genetic marker tests which may include, but are not limited to, tests of red cell antigens, serum proteins and deoxyribonucleic acid (DNA) analysis. The genetic samples collected shall be subject to safeguarding and confidentiality procedures and used exclusively for purposes of paternity testing. Testing shall be ordered as follows:

(a) The court may order genetic paternity testing upon the motion of any party or upon its own initiative. If the court determines that a motion for testing is made for the purpose of delay, the court may deny the motion. The court may order payment of costs related to testing. If any party refuses to submit to such tests, the court may resolve the question of paternity against such party.

(b) The department of health and human services (the department) may order genetic paternity testing upon agreement of the parties or upon the request of any party, if the request is supported by a sworn statement alleging paternity and setting forth facts which reasonably establish the requisite sexual contact; or denying paternity and setting forth facts which reasonably establish a lack of the requisite sexual contact. The state shall pay the costs related to such testing, subject to recoupment from the father if paternity is established.

II. For genetic paternity testing pursuant to RSA 522:1, I(b) the following administrative procedures apply:

(a) The department shall serve the parties with notice and order for genetic paternity testing. Unless the order is contested by any party, the order is effective as to the party served, upon the expiration of 11 days after service. Service of the notice and order shall be by certified mail or other method as provided by law and shall include:

(1) The names and dates of birth of the individuals to be tested pursuant to the order;

(2) A statement explaining the rights and responsibilities associated with paternity establishment;

(3) A copy of the order including an appointment with the date, time and place for collecting the genetic samples;

(4) A statement of the administrative and judicial procedures available to contest the order.

(b) Any party may request a supervisory review of the order. The request must be in writing and received by the department within 10 days of the date that the party received service of the notice and order. Issues that may be considered on review are limited to mistake of fact. Within 10 days of the review, the person conducting the review shall issue a written decision and forward it to the parties.

(c) Within 10 days of the written decision pursuant to the supervisory review, any party may request an administrative hearing. The hearing shall be conducted by a hearings officer according to the rules for fair hearings adopted by the commissioner pursuant to RSA 541-A. Issues that may be considered at the administrative hearing are limited to mistake of fact. Within 10 days of the administrative hearing, the person conducting the hearing shall issue a written decision and forward it to the parties.

(d) Within 10 days of the written decision of the hearings officer, any party may appeal to the superior court. Such appeal shall be restricted to a review of the record. Upon review the court may request the submission of additional evidence and order a hearing.

(e) Nothing in this section shall preclude any party from filing a petition to determine paternity directly with the court and seeking a judicial determination.

32 New Chapter; Uniform Interstate Family Support Act (UIFSA). Amend RSA by inserting after chapter 546-A the following new chapter:

## CHAPTER 546-B

### UNIFORM INTERSTATE FAMILY SUPPORT ACT

#### Article 1

#### General Provisions

546-B:1 Definitions. In this chapter:

I. "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent or another obligee.

II. "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

III. "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

IV. "Home state" means the state in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of the filing of a petition or comparable pleading for support and, if a child is less than 6 months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period.

V. "Income" includes earnings or other periodic entitlements to money from any source and/or any other property subject to withholding for support under the law of this state.

VI. "Income-withholding order" means an order or other legal process or a notice pursuant to RSA 458-B:6 directed to an obligor's employer, as defined by RSA 458-B:1, V, to withhold support from the income of the obligor.

VII. "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

VIII. "Initiating tribunal" means the authorized tribunal in an initiating state.

IX. "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

X. "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

XI. "Law" includes decisional and statutory law and rules and regulations having the force of law.

XII. "Obligee" means:

(a) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

(b) A state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

(c) An individual seeking a judgment determining parentage of the individual's child.

XIII. "Obligor" means an individual, or the estate of a decedent:

(a) Who owes or is alleged to owe a duty of support;

(b) Who is alleged but has not been adjudicated to be a parent of a child; or

(c) Who is liable under a support order.

XIV. "Register" means to file a support order or judgment determining parentage in the office of the clerk of the appropriate superior court or other authorized tribunal.

XV. "Registering tribunal" means a tribunal in which a support order is registered.

XVI. "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded under this chapter or a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

XVII. "Responding tribunal" means the authorized tribunal in a responding state.

XVIII. "Spousal support order" means a support order for a spouse or former spouse of the obligor.

XIX. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

(a) An Indian tribe; and

(b) A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

XX. "Support enforcement agency" means a public official or agency authorized to seek:

(a) Enforcement of support orders or laws relating to the duty of support;

(b) Establishment or modification of child support;

(c) Determination of parentage; and

(d) To locate obligors or their assets.

XXI. "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

XXII. "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

XXIII. "Tribunal of this state" means the superior court, the department of health and human services, or a combination.

546-B:2 Remedies Cumulative. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law.

## Article 2

### Jurisdiction

#### Part A. Extended Personal Jurisdiction

546-B:3 Bases for Jurisdiction Over Nonresident. In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

I. The individual is personally served with notice within this state.

II. The individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.

III. The individual resided with the child in this state.

IV. The individual resided in this state and provided prenatal expenses or support for the child.

V. The child resides in this state as a result of the acts or directives of the individual.

VI. The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.

VII. The individual asserted parentage in the putative father registry maintained in this state by the department of health and human services.

VIII. There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

546-B:4 Procedure When Exercising Jurisdiction Over Nonresident. A tribunal of this state exercising personal jurisdiction over a nonresident under RSA 546-B:3 may apply RSA 546-B:27 relative to special rules of evidence and procedure, to receive evidence from another state, and RSA 546-B:29, relative to assistance with discovery, to obtain discovery through a tribunal of another state. In all other respects, Articles 3 through 7, RSA 546-B:12 - 53, do not apply, and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by this chapter.

#### Part B. Proceedings Involving 2 or More States

546-B:5 Initiating and Responding Tribunal of This State. Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

#### 546-B:6 Simultaneous Proceedings in Another State.

I. A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state only if:

(a) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;

(b) The contesting party timely challenges the exercise of jurisdiction in the other state; and

(c) If relevant, this state is the home state of the child.

II. A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if:

(a) The petition or comparable pleading in the other state is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state;

(b) The contesting party timely challenges the exercise of jurisdiction in this state; and

(c) If relevant, the other state is the home state of the child.

#### 546-B:7 Continuing, Exclusive Jurisdiction.

I. A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a child support order:

(a) As long as this state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(b) Until each individual party has filed written consent with the tribunal of this state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

II. A tribunal of this state issuing a child support order consistent with the law of this state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to this chapter or a law substantially similar to this chapter.

III. If a child support order of this state is modified by a tribunal of another state pursuant to a law substantially similar to this chapter, a tribunal of this state loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only:

- (a) Enforce the order that was modified as to amounts accruing before the modification;
- (b) Enforce nonmodifiable aspects of that order; and

(c) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

IV. A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to this chapter or a law substantially similar to this chapter.

V. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

VI. A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

**546-B:8 Enforcement and Modification of Support Order by Tribunal Having Continuing Jurisdiction.**

I. A tribunal of this state may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

II. A tribunal of this state having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply RSA 546-B:27, relative to special rules of evidence and procedure, to receive evidence from another state and RSA 546-B:29, assistance with discovery, to obtain discovery through a tribunal of another state.

III. A tribunal of this state which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

#### **Part C. Reconciliation of Multiple Orders**

##### **546-B:9 Recognition of Controlling Child Support Order.**

I. If a proceeding is brought under this chapter, and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.

II. If a proceeding is brought under this chapter, and 2 or more child support orders have been issued by tribunals of this state or another state with regard to the same obligor and child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(a) If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls and must be so recognized;

(b) If more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child controls and must be so recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized; or

(c) If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of this state having jurisdiction over the parties shall issue a child support order, which controls and must be so recognized.

III. If two or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to determine which order controls and must be so recognized under paragraph II. The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

IV. The tribunal that issued the controlling order recognized under paragraph I, II, or III is the tribunal that has continuing, exclusive jurisdiction under RSA 546-B:7.

V. A tribunal of this state which determines by order the identity of the controlling order under subparagraph II(a) or (b), or which issue a new controlling order under subparagraph II(c) shall include in that order the basis upon which the tribunal made its determination.

VI. Within 30 days after issuance of the order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

546-B:10 Multiple Child Support Orders for 2 or More Obligees. In responding to multiple registrations or petitions for enforcement of 2 or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this state shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this state.

546-B:11 Credit for Payments. Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this state.

### Article 3

#### Civil Provisions of General Application

##### 546-B:12 Proceedings Under This Chapter.

I. Except as otherwise provided in this chapter, this article applies to all proceedings under this chapter.

II. This chapter provides for the following proceedings:

(a) Establishment of an order for spousal support or child support pursuant to Article 4, RSA 546-B:31;

(b) Enforcement of a support order and income-withholding order of another state without registration pursuant to Article 5, RSA 546-B:32-33;

(c) Registration of an order for spousal support or child support of another state for enforcement pursuant to Article 6, RSA 546-B:39-45;

(d) Modification of an order for child support or spousal support issued by a tribunal of this state pursuant to Article 2, Part B, RSA 546-B:5-8;

(e) Registration of an order for child support of another state for modification pursuant to Article 6, RSA 546-B:39-45;

(f) Determination of parentage pursuant to Article 7, RSA 546-B:53; and

(g) Assertion of jurisdiction over nonresidents pursuant to Article 2, Part A, RSA 546-B:3-4.

III. An individual petitioner or a support enforcement agency may commence a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

546-B:13 Action by Minor Parent. A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

546-B:14 Application of Law of This State. Except as otherwise provided by this chapter, a responding tribunal of this state:

I. Shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and

II. Shall determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

##### 546-B:15 Duties of Initiating Tribunal.

I. Upon the filing of a petition authorized by this chapter, an initiating tribunal of this state shall forward 3 copies of the petition and its accompanying documents:

(a) To the responding tribunal or appropriate support enforcement agency in the responding state; or

(b) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

II. If a responding state has not enacted this chapter or a law or procedure substantially similar to this chapter, a tribunal of this state may issue a certificate or other documents and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.

**546-B:16 Duties and Powers of Responding Tribunal.**

I. When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to RSA 546-B:12, III, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

II. A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following:

(a) Issue or enforce a support order, modify a child support order, or render a judgment to determine parentage;

(b) Order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(c) Order income withholding;

(d) Determine the amount of any arrearages, and specify a method of payment;

(e) Enforce orders by civil or criminal contempt, or both;

(f) Set aside property for satisfaction of the support order;

(g) Place liens and order execution on the obligor's property;

(h) Order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

(i) Issue a *capias* for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the *capias* in any local and state computer systems for criminal warrants;

(j) Order the obligor to seek appropriate employment by specified methods;

(k) Award reasonable attorney's fees and other fees and costs; or

(l) Grant any other available remedy.

III. A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

IV. A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

V. If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

**546-B:17 Inappropriate Tribunal.** If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner where and when the pleading was sent.

**546-B:18 Duties of Support Enforcement Agency.**

I. A support enforcement agency of this state shall, upon request, provide services to a petitioner in a proceeding under this chapter insofar as is consistent with its responsibilities under Title IV-D of the Social Security Act, as amended.

II. A support enforcement agency that is providing services to the petitioner as appropriate shall:

(a) Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent;

(b) Request an appropriate tribunal to set a date, time, and place for a hearing;

(c) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(d) Within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(e) Within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(f) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

III. This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

546-B:19 Duty of Attorney General. If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

546-B:20 Private Counsel. An individual may employ private counsel to represent the individual in proceedings authorized by this chapter.

546-B:21 Duties of State Information Agency.

I. The state central registry is the state information agency under this chapter.

II. The state information agency shall:

(a) Compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under this chapter and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state;

(b) Maintain a register of tribunals and support enforcement agencies of other states;

(c) Forward to the appropriate tribunal in the place in this state in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state; and

(d) Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

546-B:22 Pleadings and Accompanying Documents.

I. A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this chapter shall verify the petition. Unless otherwise ordered under RSA 546-B:23, relative to nondisclosure of information in exceptional circumstances, the petition or accompanying documents shall provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The petition shall be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

II. The petition shall specify the relief sought. The petition and accompanying documents shall conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

546-B:23 Nondisclosure of Information in Exceptional Circumstances. Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.

546-B:24 Costs and Fees.

I. The petitioner may not be required to pay a filing fee or other costs.

II. If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

III. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Article 6, RSA 546-B:39-52, relative to enforcement and modification of support order after registration, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

**546-B:25 Limited Immunity of Petitioner.**

I. Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

II. A petitioner is not amenable to service of civil process while physically present in this state to participate in a proceeding under this chapter.

III. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while present in this state to participate in the proceeding.

**546-B:26 Nonparentage as Defense.** A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter.

**546-B:27 Special Rules of Evidence and Procedure.**

I. The physical presence of the petitioner in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

II. A verified petition, affidavit, and/or other document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

III. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

IV. Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

V. Documentary evidence transmitted from another state to a tribunal of this state by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

VI. In a proceeding under this chapter, a tribunal of this state may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this state shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

VII. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

VIII. A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

IX. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

**546-B:28 Communications Between Tribunals.** A tribunal of this state may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of this state may furnish similar information by similar means to a tribunal of another state.

**546-B:29 Assistance With Discovery.** A tribunal of this state may:

I. Request a tribunal of another state to assist in obtaining discovery.

II. Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

**546-B:30 Receipt and Disbursement of Payments.** A support enforcement agency or other tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

## Article 4

## Establishment of Support Order

## 546-B:31 Petition to Establish Support Order.

I. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state may issue a support order if:

- (a) The individual seeking the order resides in another state; or
- (b) The support enforcement agency seeking the order is located in another state.

II. The tribunal may issue a temporary child support order if:

- (a) The respondent has signed a verified statement acknowledging parentage;
- (b) The respondent has been determined by or pursuant to law to be the parent; or
- (c) There is other clear and convincing evidence that the respondent is the child's parent.

III. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to RSA 546-B:16, relative to duties and powers of responding tribunal.

## Article 5

## Enforcement of Order of

## Another State Without Registration

546-B:32 Employer's Receipt of Income-Withholding Order of Another State. An income-withholding order issued in another state may be sent to the person or entity defined as the obligor's employer, under RSA 458-B, without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

## 546-B:33 Employer's Compliance with Income-Withholding Order of Another State.

I. Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

II. The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state.

III. Except as otherwise provided by paragraph IV and RSA 546-B:34, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order which specify:

- (a) The duration and the amount of periodic payments of current child support, stated as a sum certain;
- (b) The person or agency designated to receive payments and the address to which the payments are to be forwarded;
- (c) Medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;
- (d) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and
- (e) The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

IV. The employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

- (a) The employer's fee for processing an income-withholding order;
- (b) The maximum amount permitted to be withheld from the obligor's income;
- (c) The time periods within which the employer must implement the withholding order and forward the child support payment.

546-B:34 Compliance with Multiple Income-Withholding Orders. If the obligor's employer receives multiple income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees.

546-B:35 Immunity from Civil Liability. An employer who complies with an income-withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding child support from the obligor's income.

546-B:36 Penalties for Noncompliance. An employer who willfully fails to comply with an income-withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

546-B:37 Contest by Obligor.

I. An obligor may contest the validity of enforcement of an income-withholding order issued in another state and received directly by an employer in this state in the same manner as if the order had been issued by a tribunal of this state. RSA 546-B:42, relative to choice of law applies to the contest.

II. The obligor shall give notice of the contest to:

- (a) A support enforcement agency providing services to the obligee;
- (b) Each employer which has directly received an income-withholding order; and
- (c) The person or agency designated to receive payments in the income-withholding order; or if no person or agency is designated, to the obligee.

546-B:38 Administrative Enforcement of Orders.

I. A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this state.

II. Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

## Article 6

### Enforcement and Modification of Support Order After Registration

#### Part A. Registration and Enforcement of Support Order

546-B:39 Registration of Order for Enforcement. A support order or an income-withholding order issued by a tribunal of another state may be registered in this state for enforcement.

546-B:40 Procedure to Register Order for Enforcement.

I. A support order or income-withholding order of another state may be registered in this state by sending the following documents and information to the appropriate tribunal in this state:

- (a) A letter of transmittal to the tribunal requesting registration and enforcement;
- (b) Two copies, including one certified copy, of all orders to be registered, including any modification of an order;
- (c) A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;
- (d) The name of the obligor and, if known:
  - (1) The obligor's address and social security number;
  - (2) The name and address of the obligor's employer and any other source of income of the obligor; and
- (3) A description and the location of property of the obligor in this state not exempt from execution; and
- (e) The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

II. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

III. A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

546-B:41 Effect of Registration for Enforcement.

I. A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of this state.

II. A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

III. Except as otherwise provided in this article, a tribunal of this state shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

#### 546-B:42 Choice of Law.

I. The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

II. In a proceeding for arrearages, the statute of limitation under the laws of this state or of the issuing state, whichever is longer, applies.

### Part B. Contest of Validity or Enforcement

#### 546-B:43 Notice of Registration of Order.

I. When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

II. The notice must inform the nonregistering party:

(a) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

(b) That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after the date of mailing or personal service of the notice;

(c) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages, and precludes further contest of that order with respect to any matter that could have been asserted; and

(d) Of the amount of any alleged arrearages.

III. Upon registration of an income-withholding order for enforcement, the registering tribunal or, if applicable, the support enforcement agency, shall notify the obligor's employer pursuant to RSA 458-B.

#### 546-B:44 Procedure to Contest Validity or Enforcement of Registered Order.

I. A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within 20 days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to RSA 546-B:45, relative to contest of registration or enforcement.

II. If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

III. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

#### 546-B:45 Contest of Registration or Enforcement.

I. A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(a) The issuing tribunal lacked personal jurisdiction over the contesting party;

(b) The order was obtained by fraud;

(c) The order has been vacated, suspended, or modified by a later order;

(d) The issuing tribunal has stayed the order pending appeal;

(e) There is a defense under the law of this state to the remedy sought;

(f) Full or partial payment has been made; or

(g) The statute of limitation under RSA 546-B:42, relative to choice of law, precludes enforcement of some or all of the arrearages.

II. If a party presents evidence establishing a full or partial defense under paragraph I, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this state.

III. If the contesting party does not establish a defense under paragraph I to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

546-B:46 Confirmed Order. Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

### Part C. Registration and Modification of Child Support Order

546-B:47 Procedure to Register Child Support Order of Another State for Modification. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in Part A of this article, RSA 546-B:39-42, if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

546-B:48 Effect of Registration for Modification. A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if the requirements of RSA 546-B:49, relative to modification of child support order of another state, have been met.

546-B:49 Modification of Child Support Order of Another State.

I. After a child support order issued in another state has been registered in this state, the responding tribunal of this state may modify that order only if, after notice and hearing, it finds that:

(a) The following requirements are met:

(1) The child, the individual obligee, and the obligor do not reside in the issuing state;

(2) A petitioner who is a nonresident of this state seeks modification; and

(3) The respondent is subject to the personal jurisdiction of the tribunal of this state; or

(b) The child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal, and all of the individual parties have filed a written consent in the issuing tribunal providing that a tribunal of this state may modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this chapter, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.

II. Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.

III. A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state. If two or more tribunals have issued child support orders for the same obligor and child, the order that controls and must be so recognized under RSA 546-B:9 establishes the aspects of the support order which are nonmodifiable.

IV. On issuance of an order modifying a child support order issued in another state, a tribunal of this state becomes the tribunal of continuing, exclusive jurisdiction.

546-B:50 Recognition of Order Modified in Another State. A tribunal of this state shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction pursuant to a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall:

I. Enforce the order that was modified only as to amounts accruing before the modification.

II. Enforce only nonmodifiable aspects of that order.

III. Provide other appropriate relief only for violations of that order which occurred before the effective date of the modification.

IV. Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

546-B:51 Jurisdiction to Modify Child Support Order of Another State When Individual Parties Reside in This State.

I. If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

II. A tribunal of this state exercising jurisdiction under this section shall apply the provisions of Articles 1 and 2, this article, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Articles 3, 4, 5, 7 and 8 do not apply.

546-B:52 Notice to Issuing Tribunal of Modification. Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

## Article 7

### Determination of Parentage

546-B:53 Proceeding to Determine Parentage.

I. A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

II. In a proceeding to determine parentage, a responding tribunal of this state shall apply the procedural and substantive law of this state, and the rules of this state on choice of law.

## Article 8

### Interstate Rendition

546-B:54 Grounds for Rendition.

I. For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.

II. The governor of this state may:

(a) Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee; or

(b) On the demand by the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

III. A provision for extradition of individuals not inconsistent with this chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled from the demanding state.

546-B:55 Conditions of Rendition.

I. Before making demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the governor of this state may require a prosecutor of this state to demonstrate that at least 60 days previously, the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

II. If, under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

III. If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

## Article 9

## Miscellaneous Provisions

546-B:56 Uniformity of Application and Construction. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

546-B:57 Rulemaking Authority. The commissioner of the department of health and human services may adopt rules, pursuant to RSA 541-A, which are deemed necessary for the efficient administration of the duties with which the department is charged under Title IV-D of the Social Security Act, as amended, to provide interstate child support services, provided that such rules shall not be inconsistent with the provisions of this chapter.

546-B:58 Short Title. This chapter may be cited as the Uniform Interstate Family Support Act.

546-B:59 Severability Clause. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

546-B:60 Savings Clause. This chapter replaces former RSA 546, except that former RSA 546 shall be taken and treated as remaining in full force and effect for the purpose of sustaining any pending action or proceeding. Any judgment for support obtained under former RSA 546, or otherwise, shall be subject to enforcement under this chapter.

33 Reference Changes. Amend the following RSA provisions by replacing "wage" "a wage" or "wages" with "income" or "an income": the chapter heading of RSA 458-B; 458-B:1, V; 458-B:1, IX; the section heading of RSA 458-B:2; 458-B:2, I; 458-B:2, III and IV; 458-B:3, II; 458-B:3, VII; 458-B:4, III; 458-B:5, III; 458-B:6, VI; 458-B:6, XI; 458-B:7, II; 458-B:8; 458-B:9; the section heading of 458-B:10.

34 Repeal. The following are repealed:

I. RSA 161-B:5-a, relative to the formula for distribution of child support.

II. RSA 458-B:3, V, relative to an obligee receiving direct payment from obligor's employer.

III. RSA 546, relative to the Uniform Reciprocal Enforcement of Support Act.

35 Effective Date.

I. Section 26 and paragraph I of section 34 of this act shall take effect October 1, 1997.

II. Section 32 and paragraph III of section 34 of this act shall take effect January 1, 1998.

III. Sections 6 and 28 of this act shall take effect October 1, 1998.

IV. The remainder of this act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

**HB 638-FN**, requiring random on-site inspection and testing of certain sludge and biosolid samples. **OUGHT TO PASS WITH AMENDMENT**

Rep. Arthur P. Klemm, Jr. for Finance: This bill allows for random on-site inspection and testing of sludge or biosolid samples to be used for any land application. The amendment, which is a compromise between the Committee on Environment and Agriculture, Department of Environmental Services, and the sludge certification holders, sets up a pilot program for one year for the testing with the sludge certification holders paying a \$500.00 fee for certification to pay for the testing. The Committee on Finance agreed with this compromise. Vote 19-1.

### Amendment (0969h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a pilot program for the random on-site inspection and testing of certain sludge and biosolid samples.

Amend the bill by replacing all after the enacting clause with the following:

1 Pilot Program; Random Testing of Sludge or Biosolids. The commissioner of the department of environmental services shall implement a program of random on-site testing and inspection of sludge or biosolid samples to be used for any land application by any person obtaining a permit under RSA 485-A:4, XVI-a, provided that inspection shall not be required before the issuance of a permit. The procedures for random inspection and testing of sludge or biosolid samples on a site shall include an inspection for any setback or area requirements of a site for land application and

may include testing for such pollutants as heavy metals, toxins, dioxins, and polychlorinated biphenyl, as determined in rules adopted by the commissioner pursuant to RSA 541-A. The department shall develop a database of inspection results and shall monitor adherence to state and federal requirements for the spreading of sludge or biosolids.

2 Funding of Program; Fee Established. The program of random inspection and testing of sludge or biosolids established in section 1 of this act shall be funded by a fee of \$500 assessed to all sludge quality certification holders as defined in rules adopted by the commissioner. Such fee shall be payable to the department no later than January 1, 1998 by all certification holders as of the effective date of this act and any person certified by the commissioner prior to December 31, 1997. Any person granted sludge quality certification on or after January 1, 1998 shall be assessed the \$500 fee upon receipt of certification by the department.

3 Termination of Pilot Program. The pilot program and fee established by this act shall terminate on June 30, 1998, unless otherwise authorized by the legislature.

4 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill requires the commissioner of the department of environmental services to implement a pilot program of random on-site inspection of sludge or biosolid samples before any land application by persons obtaining a permit for land application of sludge or biosolids. This bill also provides for a \$500 fee assessed to sludge quality certification holders to be used for purposes of the program. Rep. Kibbey spoke against.

Rep. Leishman spoke in favor.

Adopted.

Report adopted and ordered to third reading.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 338**, repealing certain requirements relative to the duty to deliver a copy of process to prisoners. (Amendment printed SJ 10, 3/27/97)

Rep. David Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Christie, Hansen, Lyman and Yvonne Coulombe.

**HB 392**, changing references to the "BOCA Basic Building Code" to "BOCA National Building Code". (Amendment printed SJ 10, 3/27/97)

Rep. David Welch moved that the House concur.

Adopted.

**HB 251**, reclassifying a portion of North Main Street in the town of Farmington and a portion of Passaconaway Road in the town of Albany. (Amendment printed SJ 11, 4/3/97)

Rep. Gene Chandler moved that the House concur.

Adopted.

### RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 23, 1997 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 744-FN**, relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval, and relative to the legal status of local river management advisory committees.

**HB 53-FN-A**, relative to electronic data submission under the meals and rooms tax.

**HB 602-FN-A**, repealing the franchise tax on electrical utilities and replacing it with a tax on electricity consumption.

**HB 731-FN-A-L**, relative to the taxation of sand, gravel, loam, and other similar substances.

**HB 810-FN-A**, appropriating certain funds from the highway surplus account to the department of transportation.

**HB 25-A**, making appropriations for capital improvements and establishing a committee to study federal buildings and patients needs relative to the veterans' home.

**HB 50-FN-A-L**, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor.

**HB 564-FN-A**, increasing the cigarette tax.

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1998, and June 30, 1999.

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

**HB 609-FN-L**, enacting the Uniform Interstate Family Support Act (UIFSA), and relative to child support.

**HB 638-FN**, establishing a pilot program for the random on-site inspection and testing of certain sludge and biosolid samples.

### PERSONAL PRIVILEGE

Reps. Ferguson and Burling addressed the House.

### UNANIMOUS CONSENT

Rep. Morello addressed the House.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.  
Adopted.

The House recessed at 5:25 p.m.

### RECESS

(Rep. Steere in the Chair)

### SENATE MESSAGE

### CONCURRENCE

**HB 277**, relative to the option to process absentee ballots before closing of polls.

**HB 297**, relative to the cutting of vegetation by utilities on private property.

**HB 324**, relative to the qualifications of bank examiners.

**HB 351-L**, limiting the total of tax deferrals for the elderly and disabled on a particular property to a percentage of its equity value.

**HB 380-L**, relative to the sale of town-owned property.

**HB 769-FN**, relative to unemployment compensation.

**CACR 22**, relating to changing the minimum age requirement for state senator from 30 to 25. Providing that persons at least 25 years of age shall be eligible to be elected to the state senate.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 120, 123, 150, 219, 222, 309, 321, 331 and 678.

Rep. Nowe, Sen. Barnes for the Committee

### RECESS

(Rep. Gene Chandler in the Chair)

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 158, 163, 217, 227, 228, 313, 324, 341, 349, 523 and 585 and Senate Bill numbered 24.

Rep. Nowe, Sen. Barnes for the Committee

**RECESS**

**(Rep. Henderson in the Chair)**

**RESOLUTION**

Rep. Lozeau offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 113 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF SENATE BILL****First, second reading and referral**

*SB 113*, establishing a committee to study health care issues related to individuals who are underinsured or without insurance. (Commerce)

**RECESS**

**(Rep. Beaulieu in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 105, 114, 194, 325 and CACR 22 and Senate Bill numbered 133.

Rep. Pfaff, Sen. Barnes for the Committee

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 17

Wednesday, April 23, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Hays Junkin from St. Andrews Episcopal Church in Hopkinton.

O God, who art the source of all wisdom and all right judgment, be present with this assembly as it considers the various pieces of legislation that will be brought to the floor today. Keep the minds and hearts of these legislators fixed on what is best for each and every citizen of our beloved state. May they be influenced as much by those who have no voice in these hallowed halls as they are by those who can afford articulate lobbyists and media presentations. May they have the foresight to know that what they accomplish today will have a lasting impact on the future of our life together for years to come. Today, we especially remember with great thanksgiving and gratitude, Beverly Gage, who served in this chamber with dignity, diligence and skill for 23 years. May Your welcoming arms embrace Beverly and all who mourn her passing, and may we all join her one day in Your heavenly assembly where we will be known not for our party affiliation but for the generosity of our hearts. In the name of compassion, honesty and love, we pray. Amen.

Rep. Leighton Pratt led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Belvin, Blanchard, Copenhagen, Doucette, Felch, Feng, Franks, Hawkinson, Cecelia Kane, Murch, O'Connell, Irene Pratt, Sullivan and Paul Taylor, the day, illness.

Reps. Allen, Battles-Peirce, Boriso, Burke, Crowell, Flint, Ruth Gage, Ginsburg, Hansen, Lynott, James McDonald, Millard, Musler, Norelli, O'Keefe, Owen, Pantelakos, Arthur Pelletier, Marsha Pelletier, Peterson, Tara Reardon, Katherine Rogers, Royce and Salatiello, the day, important business.

Reps. Kathleen Colburn and Rosen, the day, illness in the family.

### COMMITTEE ASSIGNMENT

Rep. Briefs off State-Federal Relations and Veterans Affairs; on Commerce.

### INTRODUCTION OF GUESTS

Dr. Gene Hyland, guest of Rep. Charles Clark. Major Jeffrey Hoadley, son of Rep. Hoadley. Patricia, Karen, Patrick and Eva Gibbons, wife, daughter-in-law and grandchildren of Rep. Gibbons. Christopher Perry, grandson of Rep. Earle Chandler and nephew of Rep. Gene Chandler. Flora Jones and Nancy Chandler, mother and wife of Rep. Gene Chandler. Professor Jones and the U.S. Politics class from Keene State College, guests of Rep. Rollo. Gerry Nolet, guest of Rep. Guaraldi. Ethel Wilson, guest of Rep. Gile. Neal T. R. Baker, grandson of Rep. Daigle. Antoinette Root, wife of Rep. Root. Andover Boy Scouts, Troop 489 Chris Nowell, Matt Bisson, Erin Fish, Peter Johnson and Ian Makechnie and their leaders, Alice Bisson and Heather Makechnie, guests of Rep. Leber. William Manning and Seabee and Claude Ruault, guests of Rep. Burling.

### SPECIAL GUESTS

The Wilton-Lyndeborough High School Girl's Varsity Basketball Team, guests of Rep. Melcher and the House.

Alexander G. Henlin, senior class President at Bishop Guertin High School in Nashua and winner of the 1997 Voice of Democracy Oratorical Competition, guest of Reps. Clegg and Lozeau and the House.

Rep. Lozeau moved that the presentation of "A More Perfect Union" by Alexander G. Henlin be printed in the Journal.

Rep. Camm moved that the introductory remarks made by the Speaker be printed in the Journal. Adopted.

## PRESENTATION

### VOICE OF DEMOCRACY ORATORICAL COMPETITION WINNER

Speaker Sytek: Alex, we are really proud to have you here today. I've been a judge at some of these competitions and I know what you are up against, not only to win our state championship but to win the national is a real honor for us in New Hampshire. Because the subject matter of his oratory is the U. S. Constitution, I've asked him if he would give a presentation of what won him the championship because I think we could all benefit from listening to the perspective of a very young man about a very old and important document for everything we do here in this chamber. I would like to give Alex the opportunity of addressing you.

#### **"A More Perfect Union"**

**by Alexander G. Henlin**

The American nation faced a grave crisis in the year 1787: its government was a failure. Domestic order was decaying. The national government commanded little respect among the citizenry. The very concept of an American union was beginning to seem flawed. Clearly, drastic action was necessary if this Union was to be saved from self-annihilation. At the request of the dying government, fifty-five individuals assembled in the city of Philadelphia, Pennsylvania, for the purposes of "revising the Articles of Confederation." What emerged from that conference in the summer of the year 1787 was nothing less than a revolutionary new form of government that the framers called a Constitution. They realized that the document that they had drafted would not solve all of the nation's problems, but they believed that the government that they wished to institute would be capable of most effectively meeting the needs of a growing nation. In a stroke of genius, they ensured that the government that they would leave for posterity would be capable of changing with the times through the amendment process. Today, we, the citizens of the United States of America, have an on-going duty and obligation to continue a tradition that was begun more than 200 years ago and relentlessly attempt to create a more perfect Union.

The challenge of perfecting the American Union is a challenge that has been met by each successive generation in our history. The generation that fought and won the War for Independence recognized the failures of the decentralized and largely ineffective government that had existed under the Articles and rectified those errors by giving this nation the gift of the Constitution, a governing document that created a system of government known as federalism — in which national and local governments work together to achieve the common good. By giving the American nation this gift of a stronger and more centralized government, the framers helped to eliminate the governing crises that had existed under the Articles and went a long way towards creating a stronger — a better — America.

The generation that inherited the gift of the Constitution from its framers immediately set to work to rectify the glaring Constitutional oversight of not protecting individual rights. Richard Henry Lee, a prominent anti-federalist of the early republic, fiercely criticized the new government document stating: "[It is] really astonishing that the same people, who have just emerged from a long and cruel war in defense of liberty, should now agree to fix an elective despotism upon themselves and their posterity." Lee recognized that this Constitution had to be changed in order to save this nation from itself; through his efforts and the efforts of others like him, the first ten amendments to our Constitution — our Bill of Rights — were adopted in 1791. With this action, the tradition of changing the Constitution to reflect a changing America had begun.

The challenge of keeping the principles of the Constitution relevant to the age is a challenge that is presented anew to each generation. Though the true genius of our Constitution lies in the fact that it can be changed, that change cannot be effected unless the people agree to keep their Constitution alive. Each succeeding generation must come to regard the Constitution as a national treasure, something that cannot be changed for transient and ephemeral purposes. The founding generation recognized this fact and changed the Constitution a mere three times: first in the Bill of Rights, second in the Eleventh Amendment, and finally in the adoption of the Twelfth Amendment (in order to correct a number of election deficiencies) in 1804.

The challenge of perfecting the American Union next fell to the generation that saw the Civil War afflict this nation. Between 1860 and 1865, the price of our Constitution was paid in blood as more than one million Americans died for their interpretations of this governing document. After a long and bloody and bitterly-fought war this generation boldly rose to the challenge of its day and in just five short years ratified the thirteenth, fourteenth and fifteenth amendments. Just prior to the Civil

War, the issue of slavery had come to dominate national politics. The African-American members of the American society had been relegated to the very fringes of the social order and were viewed, at least in the eyes of the government, as a form of property that could be bought and sold at whim. Following the Civil War, this Union forever eliminated the scourge of slavery from the land, first through the Emancipation Proclamation of 1863 and later through the Thirteenth Amendment to our Constitution in 1865. In 1868, this generation decisively acted again by ratifying the citizenship-granting fourteenth amendment which made all Americans free and equal under the law. It marked a fundamental shift in American attitudes towards African-Americans. In 1870, this generation ratified the Fifteenth Amendment which extended the franchise to African-American males and, in its time, helped to open the doors of American democracy to an ever-expanding electorate. The members of the Civil War generation paid the highest price possible for their love of this country and its government – they gave their lives to effect the creation of a more perfect union.

Later in history, the other members of generations have continued this process of changing the Constitution with changing political and social climes and thereby helped to bring about that “more perfect Union.” Members of the progressive movement gave us such amendments as the seven-teenth (which allows United States citizens to directly elect their senators to office) and the nine-teenth, which extended the franchise to women of all ethnic backgrounds. More recent generations in our history have given us the twenty-second amendment, which places a two term limit on the number of times that an individual may serve as President, the twenty-fourth amendment, which eliminated the poll tax as a prerequisite to voting, and the twenty-fifth amendment, which established a mechanism for covering vacancies in the office of the President in the event of a national catastrophe. In each of these cases and in several others, the Constitution was changed to effect the goal of the creation of a “more perfect Union.” The actions of these past generations serve as powerful precedent to the current generation of Americans. The tradition of amendment, which has been entrusted to our care, must be used with caution. We must examine the past to look for models of action that we can imitate in the future.

Today, we are still faced with the challenge of perfecting our Union. There is always room for improvement. Witness the relatively recent struggle to ratify the Equal Rights Amendment, balanced budget amendments, term limits amendments, and amendments pertaining to our national flag. Clearly, various groups and individuals have believed that it was and is necessary to make these proposals a part of our nation’s fundamental law if we are to create that “more perfect Union.” However, in the interests of “perfecting” our Union, we must never forget that it came about only as a result of caution. Prudent and sober consideration should be given to any amendment before it becomes a part of the national legacy to the future.

The incomplete and faulty document that failed in 1789 to address such issues as slavery, women’s rights, Presidential succession, Southern secession, and more is still alive today. Its life has been both ransomed in blood and redeemed through the courage and valor of its citizens, who have taken the initiative and changed their Constitution in an ongoing series of attempts to create a more perfect Union. We, the citizens of the United States who approach the new millennium and a new era for our nation, know that there are and will be inadequacies in this document that will only become apparent in the future, unforeseen by those before us. It is our duty, our obligation, to prepare ourselves to wisely amend this “living Constitution” as the future may demand. Through rational debate, the legislative process, prudent consideration and a basic trust in the promise of the American nation, we can change our Constitution for the better, we can create “that more perfect Union.” Thank you.

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 297, 351, 380, 698 and 769.

Rep. Nowe, Sen. Barnes for the Committee

## SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 343**, relative to authority by governmental entities over driveways and other accesses to public ways. (Amendment printed SJ 10, 3/27/97)

Rep. Gene Chandler moved that the House concur.

Adopted.

**HB 539-L**, relative to the tax lien process for quarterly tax bills in the city of Concord. (Amendment printed SJ 11, 4/3/97)

Rep. Hess moved that the House concur.

Adopted.

**HB 737**, establishing a committee to study the New Hampshire retirement system relative to redefining earnable compensation. (Amendment printed SJ 12, 4/10/97)

Rep. Mercer moved that the House concur.

Adopted.

The House of Representatives offered the following:

### HOUSE RESOLUTION NO. 22

memorializing State Representative Beverly A. Gage of Salem

WHEREAS, it is with great sadness we have learned of the death of our esteemed colleague Beverly A. Gage who was in the midst of her twelfth consecutive term as an honorable and dedicated member of the House of Representatives, and

WHEREAS, during her distinguished twenty-three-year legislative tenure, which began in January of 1975, Beverly A. Gage, with competence and great energy, did serve as Chairman and as Clerk of the Committee on State-Federal Relations; as Vice Chairman of the Committee on Municipal and County Government; and as a member of the Committees on Commerce, Executive Departments & Administration, Legislative Administration, and Public Works, and

WHEREAS, having been blessed with the credentials of leadership, Beverly A. Gage, also did serve the House of Representatives as Majority Whip and as a Republican Floor Leader, and

WHEREAS, as a member of the Order of Women Legislators, Beverly A. Gage simultaneously did preside as the organization's National President and as State President, and

WHEREAS, Beverly A. Gage tirelessly gave of her time and energy to many groups and associations, including as Chairman of the New Hampshire Council on Aging, Chairman of the New Hampshire Board of Manufactured Housing, and as a member of the New Hampshire-Canadian Trade Council, the Coalition Against Insurance Fraud, and the National Conference of Insurance Legislators, and

WHEREAS, Beverly A. Gage additionally did work with great persistence and commitment with the New Hampshire Department of Public Health as a member of the Committee on HIV-STD Prevention Planning, and

WHEREAS, Beverly A. Gage was a caring mother of two daughters and two sons and a devoted grandmother of six and was frequently seen around the State House in the company of her grandchildren, and

WHEREAS, having been a native of Haverhill, Massachusetts, Beverly A. Gage long ago did settle in Salem, New Hampshire and easily did earn the reputation for being a conscientious servant of the town's citizenry, now therefore be it

RESOLVED, by the House of Representatives, in Regular Session convened, that Beverly A. Gage be granted highest praise and recognition for her dedicated and exemplary legislative service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to her family, and that a suitable copy of this Resolution be prepared for presentation to her family.

Unanimously adopted by a rising vote.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SJR 2**, relative to federal funding under the Individuals with Disabilities Education Act, removed by Rep. O'Hearn.

**SB 35**, including "accessibility lift" within the definition of "elevator", removed by Rep. Emerton.

**SB 25**, establishing employer immunity from civil liability for good faith disclosure of information regarding current and former employees to prospective employers, removed by Rep. John McCarthy.

**SB 153**, requiring a check-off box on a driver's license application form relative to having the social security number indicated on the driver's license, removed by Rep. Packard.  
Consent Calendar adopted.

**SB 72**, relative to the New Hampshire life and health guaranty association, changing the order of distribution for policy holders and claimants in the case of insurer insolvency and repealing the law relative to the interstate insurance receivership compact. **OUGHT TO PASS WITH AMENDMENT**  
Rep. William J. McCarthy for Commerce: This bill, as amended, will accomplish two purposes. First, it will establish one board of the NH Life and Health Insurance Guarantee Association to implement the necessary actions required when insolvency occurs in the industry. Second, the bill will repeal New Hampshire's participation in the Interstate Insurance Receivership Compact. There are only three other states in the mid-west region and NH which joined when formed several years ago in hopes of providing greater coordination between states. Instead, the three have voted their regional interests over NH's. Thus, the concept has failed. Vote 13-1.

#### **Amendment (0826h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the New Hampshire life and health guaranty association and repealing the law relative to the interstate insurance receivership compact.

Amend the bill by deleting section 6 and renumbering the original section 7 and 8 to read as 6 and 7, respectively.

Amend the bill by replacing section 7 with the following:

7 Effective Date:

I. Sections 1-5 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill clarifies that the New Hampshire life and health insurance guaranty association established in RSA 408-B:6 is the same association created in RSA 404-D:6, and makes related technical corrections.

The bill also repeals the interstate insurance receivership compact.

**SB 20**, establishing a committee to study presumptive sentencing **INEXPEDIENT TO LEGISLATE**  
Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The current sentencing scheme in New Hampshire generally provides for judicial discretion in sentencing which is limited by a maximum allowable penalty based on the particular conviction. Over the years of review by the legislature, certain minimum mandatory sentences have been established in specific areas such as DWI, murder, sexual assault and firearms offenses. The issue of sentencing has been subject to ongoing review and study by various committees and subcommittees including the Intermediate Sanctions Subcommittee and the Prosecution Study Committee. Additionally, all aspects and theories of sentencing are a particular focus of the Interbranch Criminal Justice Council which is an interdisciplinary council made up of participants from all sectors of the criminal justice system. The committee believes that all sentencing issues are currently being addressed by the consistent participation of all parties concerned and therefore does not feel that there should be another group formed to study the presumptive sentencing issue alone. Vote 15-0.

**SB 115-L**, establishing a committee to study issues relating to the withdrawal of a receiving district from an area school district. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair A. Snyder for Education: This bill provides for a study committee to examine what has been a long standing problem due to the inflexible current statute for withdrawal from an AREA agreement. This study will encompass the withdrawal of the receiving districts and related issues of AREA agreements. Vote 17-1.

#### **Amendment (0901h)**

Amend the bill by replacing section 2 with the following:

2 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

**SB 138**, establishing teacher appreciation day. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Susan B. Durham for Education: This bill aligns New Hampshire Teacher Appreciation Day with the National Recognition of Teachers. The amendment recognizes all New Hampshire teachers and defines the teacher recognition date to be the first Tuesday in May Vote 17-0.

#### **Amendment (0919h)**

Amend the bill by replacing all after the enacting clause with the following:

##### **1 Statement of Purpose.**

I. The state of New Hampshire has a long history of pride in its schools as recognized by its early constitutional language establishing on the part of officials a duty to cherish literature and the sciences. The many millions of immigrants, who flocked to our state and nation, did so in large measure on account of this nation's promise of universal free public education, a concept unique in history at the time.

II. Due to the dedication of school teachers, over the decades, countless thousands of children have secured a better life than their parents through education. That effort and dedication continues to this day. It is the purpose of this act to recognize the crucial contribution that teachers have made to our state and nation.

2 New Section; Teacher Appreciation Day Proclaimed. Amend RSA 4 by inserting after section 13-f the following new section:

4:13-g Teacher Appreciation Day. The governor shall annually proclaim the first Tuesday in May as Teacher Appreciation Day, and shall urge local communities, school administrative units, and school districts to observe such day in recognition of the dedication and service of New Hampshire's teachers.

3 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill provides that the governor shall declare the first Tuesday in May of each year as teacher appreciation day.

**SB 49-FN**, clarifying certain procedures under the lead paint law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alice S. Ziegler for Health, Human Services and Elderly Affairs: This bill represents a realistic update of the 1994 lead paint laws. It is a compromise accepted by the Department of Health and Human Services and landlords and realtor groups. It allows for alternative abatement processes as well as assistance for those conducting low risk abatement. The amendment requires the Commissioner of Health and Human Services to investigate children whose blood level are more than 20 micrograms per deciliter after two separate tests. This bill is an excellent example of government and industry working together for improvement of health and safety of children. Vote 12-0.

#### **Amendment (0917h)**

Amend RSA 130-A:5, I as inserted by section 4 of the bill by replacing it with the following:

I. The commissioner ~~may~~ *shall* investigate cases of lead poisoning in children reported under RSA 141-A whose blood lead level meets or exceeds 20 micrograms per deciliter of whole *venous* blood, *as reported on 2 separate tests except that a blood lead level may be designated as elevated by the health care provider when the level reported meets or exceeds 20 micrograms per deciliter on the first venous test. With such a declaration, a second test shall not be required.* The commissioner may also conduct investigations when there is reason to believe that a lead exposure hazard, as defined in RSA 130-A:1, XVI(b) and (d), for a child exists. Such investigations shall include, but not be limited to:

(a) Requiring additional information and periodic reports from the child's health care provider, the owner or owner's agent of a leased or rented dwelling or dwelling unit occupied by a child, the owner or operator of any child care facility attended by the child, and any lead inspector or lead abatement contractor involved in lead ~~base substance abatement~~ *hazard reduction* at the child's dwelling, dwelling unit, or child care facility.

(b) Inspections of dwellings or dwelling units or of any child care facility, and testing environmental samples.

(c) Issuing orders requiring the [~~abatement~~] *reduction* of lead exposure hazards from a leased or rented dwelling or dwelling unit and from a child care facility, or issuing a notice to the owner of a dwelling or dwelling unit.

Amend the bill by inserting after section 18 the following and renumbering the original sections 19 and 20 to read as 20 and 21, respectively:

19 New Paragraph; Definition Added. Amend RSA 130-A:1 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Health care provider" means any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, and any officer, employee or agent of such provider acting in the course and scope of employment or agency related to or supportive of health care services.

**SB 103**, establishing a committee to study issues relating to the licensing of child day care centers. **OUGHT TO PASS**

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: The issue of licensing child day care centers is currently at the forefront. The new welfare law requires welfare recipients to accept work. It is estimated this will require 6,000 more day care slots. The Department of Health and Human Services supports this legislation. Vote 12-0.

**SB 26**, preventing recovery by a nonsupporting parent in a wrongful death claim or action on behalf of the nonsupported child until child support arrearages are paid in full. **RE-REFER TO COMMITTEE**

Rep. Carol H. Holden for Judiciary and Family Law: The committee felt that the bill had merit. Testimony indicated that the details had to be worked out. The re-refer motion gives the committee the opportunity to do that. Vote 12-0.

**SB 47-FN**, continuing the marital guardian ad litem recovery program in the unit of cost containment, office of the commissioner of administrative services. **OUGHT TO PASS**

Rep. Sandra B. Keans for Judiciary and Family Law: This bill provides that the Office of Cost Containment will be authorized to recover costs for the provision of guardian ad litem in marital cases. There has been a two year pilot program which has proved very successful. In FY '96 \$56,400 was collected and \$57,000 half-way through FY '97. The OCC believes this will continue to grow to about \$220,000 annually. Vote 12-0.

Referred to Finance.

**SB 76**, limiting the liability of school districts operating facilities for skateboarding, rollerblading or rollerskiing. **OUGHT TO PASS**

Rep. Deborah L. Woods for Judiciary and Family Law: This bill adds "school districts" to the current law that already limits liability of municipalities which operate facilities for skateboarding, rollerblading or rollerskiing. This addition makes sense. Vote 12-1.

**SB 81**, relative to the administration of estates. **OUGHT TO PASS**

Rep. Marjorie K. Smith for Judiciary and Family Law: Five years ago the general court acted to expedite the probate process when the surviving spouse is the sole beneficiary and executor or administrator. This bill expands the expedited process to include an only child. It is cost effective for the probate court while respecting the interests of the state and the estate. Vote 13-0.

**SB 27**, allowing municipalities to take inventories of property as often as state law allows property tax bills to be issued. **INEXPEDIENT TO LEGISLATE**

Rep. Jean R. Wallin for Local and Regulated Revenues: This bill would create chaos for assessing officials in cities and towns. Currently, taxes are assessed on inventory taken April 1 of each year. While this may occasionally result in small losses of property tax revenue, the cost of multiple inventories would outweigh the gains. Further, the increase would occur only the first time the property was assessed. Vote 13-0.

**SB 74-FN**, allowing holders of retail wine and combination wine and beverage licenses to sell fortified wines. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Local and Regulated Revenues: HB 533, which the House has already passed, contains the provisions contained here in Senate Bill 74. The language allowing holders of retail wine licenses to sell fortified wines is identical. Vote 14-0.

**SB 75-FN**, regulating beer festivals and requiring beer festival promoters to obtain a single event license for a fee from the liquor commission to hold a beer festival. **OUGHT TO PASS WITH AMENDMENT**

Rep. David W. Hess for Local and Regulated Revenues: The committee felt local police departments should have more oversight and authority over both the locations and the public safety at the beer festivals permitted by this bill. Vote 15-0.

#### **Amendment (1061h)**

Amend RSA 178:32, VII(a)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) Official approval of the local police department as to the accessibility and public safety of the location and the event.  
Referred to Finance.

**SB 87**, relative to permissible agreements between beverage manufacturers and vendors and beverage wholesale distributors. **OUGHT TO PASS**

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill allows a beverage manufacturer, beverage vendor, or beverage vendor importer to enter a limited partnership with a beverage wholesale distributor and extend financing. Partnerships are limited to no more than 10 years. This continues to preserve the long-standing three tier system. Vote 13-0.

**SB 183-FN**, relative to liquor licenses for a sports/entertainment complex. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Local and Regulated Revenues: This bill adds a new license category, that of a sports center entertainment complex, to existing liquor licenses. The amendment to this bill states that liquor or beverage may not be sold or consumed at any student or interscholastic event. The amended bill passed unanimously. Vote 14-0.

#### **Amendment (0989h)**

Amend RSA 178:20, V(u)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) The commission may issue a cocktail lounge license to the owner of a sports/entertainment complex, or any operator or designee contracting with the owner of the complex. Such license shall allow the sale or service of liquor and beverage in any clearly defined areas approved by the commission. Liquor and beverage shall be sold only at such times as a fee is charged for admission to an event at the sports/entertainment complex. Liquor and beverage shall not be sold or consumed at any student event. In this subparagraph, "student event" means any event where students are participants or performers. Liquor and beverage shall not be sold at any interscholastic event. The provisions of RSA 178:20, II shall not apply to this license.

Referred to Finance.

**SB 56-FN-L**, establishing a method for repurchase of tax-deeded property by the former owner of the property and limiting the recovery by municipalities of proceeds from sales of tax-deeded property. **RE-REFER TO COMMITTEE**

Rep. Richard C. Leone for Municipal and County Government: Coupled with the need to better address important issues such as the amount of forfeiture of a taxpayer's interest at the time of a tax deed, owner's right of repurchase, time of the redemption period, status of all lien holders, what discretion the municipality has relative to disposing of or utilizing the property, and the possibility that some aspects of HB 676 could be combined with this bill, the committee strongly opted for further study. Vote 17-0.

**SB 110-L**, allowing the Coos county convention to revise the compensation of the county sheriff. **OUGHT TO PASS**

Rep. Richard C. Leone for Municipal and County Government: This bill is enabling legislation requested by the Coos County delegation to provide it with the mechanism to revise the sheriff's compensation in accordance with RSA 23:7 for the biennium ending December 1, 1999, if the Coos County sheriff is in agreement with such revision. Vote 15-0.

**SB 152**, establishing a committee to study issues related to allowing the city of Manchester to adopt a 2-year budget cycle. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: This bill establishes a committee to study issues related to allowing the city of Manchester to adopt a two year budget cycle. Vote 20-0.

**SJR 1**, recognizing the town of Brentwood as the county seat of Rockingham county. **OUGHT TO PASS**  
 Rep. Joseph E. Stone for Municipal and County Government: All Rockingham County facilities are now located in the town of Brentwood. Therefore, the town of Brentwood should be recognized as the county seat of Rockingham County. Vote 19-0.

**SB 64-FN-A**, exempting motor fuel used for automobile racing from road toll taxation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Public Works and Highways: The amendment to this bill simplifies the method of collecting off road toll taxation at the state's race tracks by switching the responsibility for refund applications from the race car driver to the race track operator. There is no loss of tax revenue from this change in procedure. Vote 17-0.

#### **Amendment (0981h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Refund for Automotive Racing Fuel. Amend RSA 260:47 by inserting after paragraph V the following new paragraph:

VI. Motorsport facilities which sell or dispense automotive racing fuel for off-highway activities shall be entitled to apply for a refund under this section. Refunds shall only be granted to such facilities for fuels which are specifically designed for automotive racing and which have an octane rating of 105 or higher.

2 Effective Date. This act shall take effect upon its passage.

Referred to Finance.

**SB 158-FN-A**, relative to the funding of beach erosion control projects along the south side of the Hampton Harbor Inlet. **RE-REFER TO COMMITTEE**

Rep. John P. Gleason for Public Works and Highways: The committee finds that this bill should be re-referred pending a need to address several Hampton Harbor problems that relate to and can have a bearing on any beach erosion control project. A recent capital budget request by the state Port Authority to the committee brought out that a necessary dredging requirement must be accomplished in the inlet and harbor of the Hampton/Seabrook area in the immediate future to permit continued use of these navigable waters by private and public vessels. Ready access in and out of this tidal estuary, accompanied by appropriate anchorages and dockage access, is vital to marine commerce, especially commercial fishing vessels, as well as recreational and tourist boating. Thus, it can be recognized that continued marine access in this Hampton/Seabrook area has a very significant economic impact locally, as well as on the rather short but concentrated New Hampshire coastline. Necessary dredging does pose the problem of how to dispose of the resulting dredged material and may have a bearing on a beach erosion control project. The committee felt that it is appropriate to visit the Hampton/Seabrook harbor area to see firsthand the condition of the harbor and adjacent areas, such as the south side of the Hampton Harbor Inlet. The unanimous feeling among the committee members was to take some time and thoroughly research all issues including revenue issues as they relate to the harbors. The Finance Committee has agreed to participate with this study. Vote 17-0.

**SB 175**, establishing a committee on the feasibility of installing rumble strips before toll booths. **INEXPEDIENT TO LEGISLATE**

Rep. Steve Vaillancourt for Public Works and Highways: The committee neither endorses nor rejects the wisdom of using rumble strips before toll plazas. However, it believes this bill is unnecessary since engineering experts of the Department of Transportation are already empowered to make this determination. In fact, rumble strips along sections of I-89 and I-93 (between exits 20 and 24) will be tested this summer. The committee is confident that DOT officials will properly assess the pros and cons of rumble strips before toll booths, and an updated report will be available this fall. Vote 17-0.

**SB 182-FN**, relative to the administration, operation, and maintenance of the New Hampshire state veterans cemetery. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leon Calawa, Jr. for Public Works and Highways: This bill and amendment extend the repeal date for the state veterans cemetery oversight committee to November 1, 1997, to give the committee time to complete the project, and designates the Adjutant General to administer, operate and

maintain the New Hampshire state veterans cemetery. The amendment increases the state's share of the cost only to recover the money from the timber cut that was put in the general fund and is needed for matching federal funds. The analysis of the amendment is in error as it reports the committee date is extended to June 30, 1998, when, in fact, the bill extends the committee only until November 1, 1997. Vote 17-0.

### Amendment (0836h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the administration, operation, and maintenance of the New Hampshire state veterans' cemetery, extending the reporting dates and the prospective repeal date for the state veterans cemetery oversight committee, and making an appropriation therefor.

Amend the bill by replacing all after the section 1 with the following:

2 Appropriation; State Matching Funds for Construction of Veterans Cemetery. Amend 1994, 282:1, as amended by 1995, 309:28, to read as follows:

282:1 Appropriation; State Veterans Cemetery.

I. The sum of [~~\$1,500,000~~] **\$1,600,00** is appropriated to the oversight committee established in section 4 of this act for the purpose of the layout, design, and construction of a state veterans' cemetery. The funds appropriated in this section shall be nonlapsing and shall not be spent, obligated, or encumbered without the approval of the capital budget overview committee.

II. Of the total sum appropriated in paragraph I, [~~\$975,000~~] **\$1,000,000** shall be from federal or other sources, and [~~no more than \$525,000~~] **\$600,000** shall be from state funds. Any funds from federal or other sources in excess of [~~\$975,000~~] **\$1,000,000** are hereby appropriated for the purposes of this act.

III. Any land *or state services* donated for the purpose of creating the state veterans cemetery shall be used as a soft match for the purpose of securing any federal funds.

3 Bonds. Amend 1994, 282:2 to read as follows:

282:2 Bonds Authorized. To provide funds for the state funds appropriated in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state an amount not exceeding the sum of [~~\$525,000~~] **\$600,000** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for such project shall be made when due from the general funds of the state.

4 Reporting Dates and Prospective Repeal Extended. Amend RSA 1994, 282:5, I as amended by 1995, 10:12 and 1996, 190:12 to read as follows:

I. The committee shall make reports on the establishment of a state veterans' cemetery and the expenditure of funds for that purpose on the following dates: June 30, 1995, November 30, 1995, June 30, 1996, [~~and~~] June 30, 1997, *and November 1, 1997*.

5 Effective Date of Prospective Repeal of 1994, 282, Relative to Establishing a State Veterans' Cemetery. Amend 1994, 282:7, I as inserted by 1996, 190:12 to read as follows:

I. Section 6 of this act shall take effect [~~July 1, 1997~~] **November 1, 1997**.

6 Effective Date.

I. Section 1 of this act shall take effect July 1, 1997.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill designates the adjutant general to administer, operate, and maintain the New Hampshire state veterans cemetery, which shall be located in Boscawen.

This bill appropriates funds to make up a shortfall in the state matching share necessary to receive federal funds for the construction of the state veterans cemetery.

The bill also extends the final reporting date and the prospective repeal date for the state veterans cemetery oversight committee to June 30, 1998.

Referred to Finance.

**SB 144**, establishing a committee to study certain issues regarding Silver Lake in the towns of Belmont and Tilton. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Laflam for Resources, Recreation and Development: This bill establishes a committee to study issues relative to the management of water flow of the Winnepesaukee River and its influence on private property in the Silver Lake area of Belmont and Tilton. Vote 17-0.

**Amendment (0977h)**

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall:

I. Study the management of water flow of the Winnepesaukee River by the department of environmental services and its impact on downstream and upstream properties including those located adjacent to Silver Lake.

II. Consider what measures may be taken to prevent periodic damage from flooding of the Winnepesaukee River.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill establishes a committee to study certain issues regarding Silver Lake in the towns of Belmont and Tilton.

The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

**SB 161-FN-A**, relative to the Seacoast Science Center and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. William E. Williams, Jr. for Resources, Recreation and Development: Since this appears to be a worthy concept but lacks numerous points of fact, the committee feels it would be best to Re-Refer to allow the time to develop the missing information. Vote 16-0.

**SB 86-FN**, requiring the division of motor vehicles to report those in default to a consumer reporting agency. **INEXPEDIENT TO LEGISLATE**

Rep. Gordon E. Bartlett for Transportation: A companion bill, SB 187, contains basically the same material. The committee wants to combine the two bills and use SB 187 as the bill to work on. Vote 15-0.

**SB 119**, prohibiting a person convicted of any sexual offense, felony, or DWI offense from obtaining a waiver to remove the person's driver's license image from department of safety records. **OUGHT TO PASS**

Rep. Robert J. Letourneau for Transportation: Although few individuals exercise their right to remove their personal image from the Department of Safety data files, testimony revealed that some of the individuals that do, fit into this category. In the interest of public safety, particularly young children and women, the committee felt that this was a good bill and would stand on its own merit. Vote 15-0.

**SB 187**, relative to the penalties for certain court defaults. **RE-REFER TO COMMITTEE**

Rep. Gordon E. Bartlett for Transportation: The committee feels this bill has merit, but wishes to work on it to make the bill a more workable piece of legislation. Vote 15-0.

**SB 189-FN-L**, authorizing the department of safety to issue resident driver's licenses to certain aliens. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ralph L. Akins for Transportation: This bill was initiated in order to resolve an existing technical problem for foreign students, professors, medical personnel, etc., who apply for a driver's license in New Hampshire. Under current law, an applicant must be a resident of the state. Consequently, a foreigner who is temporarily living here yet truthfully claims his or her residence in his or her home country does not meet this requirement. The committee felt that it was reasonable to give the Director of Motor Vehicles the authority to waive this requirement or deny a waiver based on the specified criteria in the bill. Vote 15-0.

**Amendment (1031h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** authorizing the department of safety to issue driver's licenses to certain aliens.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; License for Aliens Temporarily Residing in the State. Amend RSA 263 by inserting after section 39-a the following new section:

263:39-b License for Aliens Temporarily Residing in New Hampshire

I. The director may issue a New Hampshire driver's license to a nonresident alien who is living in New Hampshire on a temporary basis:

(a) For the purposes of attending a public or private educational institution which has a regular faculty, curriculum, and organized body of pupils or students in attendance and is enrolled in such education institution;

(b) For the purposes of engaging in lawful employment, occupational, or business activity, and is engaged in such activity; or

(c) Who is the spouse or child of an alien licensed under this section.

II. The director may require any of the following:

(a) Certification from the foreign government regarding the person's driving record and licensing status.

(b) Submission of social security number, or, if the person does not qualify for such a number, the submission of certification to that effect as is acceptable to the commissioner.

(c) Written or other testing.

(d) Proof of compliance with the conditions set forth in paragraph I.

(e) Proof of identification as may be acceptable to the commissioner.

III. The term of the license shall be no longer than 4 years from the date of issuance, and the director may set a lesser term in accordance with the length of the person's residence in New Hampshire.

IV. Nothing in this chapter shall preclude the director from denying a license if the director determines that licensure of the person may be contrary to the public safety. Once licensed, the individual shall be subject to the same provisions of the law as all other licensees. When the person no longer meets the conditions specified in paragraph I, the person shall forthwith return the license to the director and the license shall become invalid.

2 Effective Date. This act shall take effect July 1, 1997.

**REGULAR CALENDAR**

**SB 10**, relative to funds for prearranged funerals or burial plans. **RE-REFER TO COMMITTEE** Rep. Martha Fuller Clark for Commerce: The majority of the committee voted in favor of re-refer because they believe there is a need to examine, in greater depth, guidelines for prepaid funeral plans. Vote 11-3.

Adopted.

**SB 128**, increasing the membership of the university system study committee. **INEXPEDIENT TO LEGISLATE**

Rep. David E. Larrabee for Education: This legislation would increase the membership of the University System Study Committee (USSC) by two people. The value of the committee is more related to the energy of the committee members rather than their numbers. Consequently, the committee as presently constituted is adequate to accomplish the objectives of USSC oversight Vote 9-3.

Adopted.

**SB 155**, requiring the division of educational improvement, department of education, to prepare and adopt a plan for providing special education to inmates in the state prison system and county correctional facilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard L. Champagne for the Majority of Education: This bill requires the division of educational improvement, department of education, in conjunction with the department of corrections and county governments, to prepare and adopt a plan for providing special education to inmates in the state prison system and county correctional facilities. The amendment requires a report of the

plan be ready by November 1, 1997. Because special education in our correctional facilities is a critical issue in affected communities it is necessary to direct the department of education to prepare and adopt a plan with a specific date. Vote 12-3.

Rep. David E. Larrabee, Sr. for the Minority of Education: RSA 186-C:3 requires the department of education to administer special education programs assigned to it by law. This bill is micro-managing the department of education. It should not take a second law to force the department of education to follow through with its responsibilities. There are more appropriate actions that could be employed. The Commissioner of Education has informed the committee progress is being made.

#### Amendment (1034h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Duties of Division of Educational Improvement; Plan to Provide Special Education to Inmates. Amend RSA 186-C:3-a by inserting after paragraph VI the following new paragraph:

VII. The division shall, in conjunction with the department of corrections and county governments, prepare and adopt a plan for meeting the special education needs of persons incarcerated in the state prison system and county correctional facilities. Such plan shall be adopted no later than November 1, 1997.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill requires the division of educational improvement, department of education, in conjunction with the department of corrections and county governments, to prepare and adopt a plan for providing special education to inmates in the state prison system and county correctional facilities by November 1, 1997.

Adopted.

Report adopted and referred to Finance.

Rep. Thomas declared a conflict of interest and did not participate.

**SB 156**, establishing a committee to study issues relating to providing special education services to eligible pupils who are incarcerated in the state prison system and county correctional facilities. **OUGHT TO PASS**

Rep. Susan B. Durham for Education: This study committee will explore the provision of special education services to incarcerated persons in New Hampshire, including, but not limited to, the creation of a centralized educational facility designed to serve persons incarcerated at the ten county houses of correction and to serve appropriate inmates from the state prison. Vote 13-2.

Adopted and ordered to third reading.

**SB 48-FN**, to provide an optional retirement program for certain employees of the department of regional community-technical colleges. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Merton S. Dyer for the Majority of Executive Departments and Administration: This bill was presented by the sponsor to offer a defined contribution retirement plan for certain faculty members of the technical college system to assist in the recruitment of faculty members. The committee voted ITL (a) because the numbers requesting the bill was not established, (b) the state now has a defined contribution plan. To provide an option to some state employees between a defined benefit plan and a defined contribution plan could open the doors for others to request legislation to participate in this or a similar plan. This might lead to eroding of the current defined benefit plan with the possible detriment of the present system. The last unanswered question was the funding of this bill. The funding is to follow the same funding as the present defined benefit plan and this does not seem to be in line with present defined contribution plans. This could lead to requests in the near future for additional employer contributions. Given the uncertainties of this bill, the committee voted inexpedient to legislate. Vote 10-7.

Reps. Mary Stuart Gile and Miriam D. Dunn for the Minority of Executive Departments and Administration: In providing an optional retirement program (defined contributions) for educational personnel of the New Hampshire department of regional community-technical colleges, SB 48-FN improves the system's capacity to recruit and retain the most qualified faculty. Postsecondary

education institutions in 43 states currently offer optional retirement programs with no adverse effects on state retirement plans. SB 48-FN is a pro-education bill with greatest potential benefits to New Hampshire students.

Majority report adopted.

**SB 206-FN-A**, relative to seminars conducted by the superior court for persons seeking custody or visitation of minor children and relative to fees charged for such seminars. **OUGHT TO PASS**  
Rep. Barbara Hull Richardson for Judiciary and Family Law: This bill expands a pilot program now in operation in the superior courts of Strafford, Carroll, Grafton and Rockingham counties which requires attendance at a seminar for persons involved in child custody and support litigation. This bill would require any person, statewide, seeking custody or visitation of minor children to attend these seminars so that the adverse impact on the children of the litigation process and the family's separation will be minimized. Vote 8-5.

Rep. John McCarthy moved Recommit to Committee.

Rep. Holden spoke in favor.

Adopted.

**CACR 12**, returning annual legislative sessions to biennial legislative sessions. Providing that the general court shall meet biennially. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth S. Hager for Legislative Administration: The committee considered this subject matter earlier in the session, reported the CACR as Inexpedient to Legislate and the House adopted the recommendation. The committee believes that annual legislative sessions are now functioning and are critical to the process. Vote 9-2.

Adopted.

**SB 90-FN**, requiring all proposed legislation affecting independently owned small businesses to include an analysis of the cost of the legislation **OUGHT TO PASS WITH AMENDMENT**  
Rep. Warren C. Henderson for Legislative Administration: The committee believes that the intent of this bill, providing information to legislators on the direct costs of proposed legislation on New Hampshire's small businesses, would be a valuable addition to our deliberations. Many times we pass well-intended legislation and find out much later that we have imposed additional burdens on the small businesses we rely upon to sustain our economy. By passing this bill, we will be more likely to know, in advance, the consequences of our actions on small business. Vote 9-3.

#### **Amendment (1043h)**

Amend RSA 14:44, V as inserted by section 1 of the bill by replacing it with the following:

V. All bills and resolutions having a direct effect on the costs of doing business for any independently owned small business shall be accompanied by a fiscal note stating the legislative budget assistant's determination of the cost of the legislation on small businesses which employ fewer than 100 employees.

#### **AMENDED ANALYSIS**

This bill requires all bills or resolutions which directly affect independently owned small businesses to include a fiscal note prepared by the legislative budget assistant of the cost of the legislation on small businesses which employ fewer than 100 employees. This bill also amends the requirement for fiscal impact statements for proposed administrative rules affecting small businesses by increasing the number of employees to 100.

Adopted.

Report adopted and referred to Finance.

**SJR 2**, relative to federal funding under the Individuals with Disabilities Education Act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley Searles for Education: This Senate Joint Resolution urges Congress to keep its promises, appropriate the 40% average per pupil expenditure funds as established in Public Law 94-142 and revise Individuals with Disabilities Education Act. Vote 15-0.

Rep. O'Hearn moved Recommit to Committee and spoke in favor.

Adopted.

**SB 35**, including "accessibility lift" within the definition of "elevator". **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph Guthrie for Health, Human Services and Elderly Affairs: This bill adds "accessibility lift" in the definition of "elevator" thereby requiring them to meet the same requirements as elevators. The amendment exempts private homes. Vote 12-0.

Rep. Emerton moved Recommit to Committee and spoke in favor.

Adopted.

**SB 25**, establishing employer immunity from civil liability for good faith disclosure of information regarding current and former employees to prospective employers. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Judiciary and Family Law: Under the present law, no charges can be brought against any employer who tells the truth. Employees are entitled to a copy of their personnel folder to take with them. If the employer has adequately documented the employees' shortcomings there will be no problems. There are other problems with the wording of the bill: (1) there is no statute of limitations; (2) "clear and convincing evidence" is a higher standard than used in any other civil suit; (3) the "employer is presumed to be acting in good faith". Further, the committee was told by the drafter that this was in response to an event in Florida, not New Hampshire. Vote 12-1.

Rep. John McCarthy moved Recommit to Committee and spoke in favor.

Adopted.

**SB 153**, requiring a check-off box on a driver's license application form relative to having the social security number indicated on the driver's license. **OUGHT TO PASS**

Rep. Ralph L. Akins for Transportation: This bill adds a check off box next to the existing reference line on a driver's license application form which allows an applicant to choose whether to have his or her social security number on the driver's license. The committee felt that by adding this box it would make this procedure more convenient for the applicant and more efficient for the department. Vote 16-0.

Rep. Packard moved Recommit to Committee and spoke in favor.

Adopted.

## RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 30, 1997 at 1:00 p.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**SB 72**, relative to the New Hampshire life and health guaranty association, changing the order of distribution for policy holders and claimants in the case of insurer insolvency and repealing the law relative to the interstate insurance receivership compact.

**SB 115-L**, establishing a committee to study issues relating to the withdrawal of a receiving district from an area school district.

**SB 138**, establishing teacher appreciation day.

**SB 49-FN**, clarifying certain procedures under the lead paint law.

**SB 103**, establishing a committee to study issues relating to the licensing of child day care centers.

**SB 76**, limiting the liability of school districts operating facilities for skateboarding, rollerblading or rollerskiing.

**SB 81**, relative to the administration of estates.

**SB 87**, relative to permissible agreements between beverage manufacturers and vendors and beverage wholesale distributors.

**SB 110-L**, allowing the Coos county convention to revise the compensation of the county sheriff.

**SB 152**, establishing a committee to study issues related to allowing the city of Manchester to adopt a 2-year budget cycle.

**SJR 1**, recognizing the town of Brentwood as the county seat of Rockingham county.

**SB 144**, establishing a committee to study certain issues regarding Silver Lake in the towns of Belmont and Tilton.

**SB 119**, prohibiting a person convicted of any sexual offense, felony, or DWI offense from obtaining a waiver to remove the person's driver's license image from department of safety records.

**SB 189-FN-L**, authorizing the department of safety to issue resident driver's licenses to certain aliens.

**SB 156**, establishing a committee to study issues relating to providing special education services to eligible pupils who are incarcerated in the state prison system and county correctional facilities.

### PERSONAL PRIVILEGE

Rep. Jacobson addressed the House.

### UNANIMOUS CONSENT

Rep. Crosby addressed the House.

Rep. Hill moved that the remarks by Rep. Crosby be printed in the Journal.

Adopted.

Rep. Crosby: I stand before you today with a broken heart over the loss of my great friend and mentor Representative Beverly Gage. I loved and respected her. She was fun-loving with a sense of humor as infectious as her smile. Bev taught me and many of you how to be an effective legislator. She knew the art of compromise, baby steps forward are preferable to no movement at all. Beverly loved New Hampshire, this House of Representatives and the work she did here. Her accomplishments over the past 23 years are too numerous to name. Bev did a wonderful job of representing New Hampshire on a national level through her leadership in the Council of State Governments, the National Council of State Legislators, the Council of Insurance Legislators and the National Order of Women Legislators. Many people across the nation will sympathize with us as we deal with Bev's death. There is a void on the House Commerce Committee as we struggle with the loss of Beverly and her vast wealth of legislative history. That void will be felt here as well. Bev probably forgot more about health insurance law and protecting the rights of New Hampshire consumers than many of us will ever learn. She was a true champion for the people of New Hampshire spending countless volunteer hours organizing her annual golf tournament to benefit the New Hampshire Association of Retarded Citizens and working with the HIV Prevention Community Planning Group, just a couple of her causes. My heart goes out to Bev's family who always came first with her. She was a devoted wife and mother and her grandchildren were the apple of her eye. Now is the time for us to think of Beverly as we show some of the great strength she had, say good bye and carry on with the work that we have been elected to do. That's what Bev would have wanted.

Reps. Root, Dickinson, Guay, Haettenschwiler and Sabella addressed the House.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 2:30 p.m.

### RECESS

(Rep. David Welch in the Chair)

### RESOLUTION

Rep. McGovern offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 54, 68, 168, 172, 181, 196, 202, 209 and 216 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 54**, relative to gainful occupation of disability beneficiaries in the New Hampshire retirement system. (Executive Departments and Administration)

**SB 68**, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty. (Executive Departments and Administration)

**SB 168**, requiring the department of corrections to prepare and enter into a lease-purchase agreement with the Berlin Economic Development Council for a medium security correctional facility to be constructed in Berlin and making an appropriation therefor. (Public Works and Highways)

**SB 172**, making various changes to the workers' compensation law. (Labor, Industrial and Rehabilitative Services)

**SB 181**, allowing certain prisoners to earn good conduct credits reducing such person's minimum sentence and establishing a committee to study permitting certain prisoners to be sentenced to substance abuse treatment centers. (Criminal Justice and Public Safety)

**SB 196**, allowing the transmission of simulcast races at grand hotels. (Local and Regulated Revenues)

**SB 202**, relative to the certification of teachers, high school graduation examinations and making an appropriation therefor, school building aid, and establishing a committee to study school discipline and manifest educational hardship. (Education)

**SB 209**, establishing a residential care pilot program and providing for the funding of such program. (Health, Human Services & Elderly Affairs)

**SB 216**, relative to pari-mutuel racing and taxes on pari-mutuel pools. (Local and Regulated Revenues)

**RECESS**

**(Rep. John Flanders in the Chair)**

**RESOLUTION**

Rep. Wheeler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 207 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF SENATE BILL****First, second reading and referral**

**SB 207**, relative to a digital signature act. (Executive Departments and Administration)

**RECESS**

**(Rep. Channing Brown in the Chair)**

Rep. Robert Johnson moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 18**

Wednesday, April 30, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker Pro Tempore.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker Pro Tempore on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of all the universes, help us to receive this time with gratitude and to collect ourselves for the work before us. In these moments of contemplation, help us to see ourselves and one another as You see us. Enable us to view our work from Your perspective and to consider the consequences of our actions for future generations. Throughout all of our lives we pray that You will be behind us to encourage us, beneath us to support us, above us to inspire us and before us to guide us. Amen.

Reps. Battles-Peirce and Dunham led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Avery, Belvin, Feng, Franks, Gibbons, Hawkinson, Musler, O'Connell, St. Hilaire, Sullivan and Paul Taylor, the day, illness.

Reps. Abbott, Asselin, Boriso, Buckley, Burke, Feuerstein, David Flanders, Robert Foster, Grassie, Hansen, Hoadley, Claudette Jean, Laflam, Leone, Lessard, Lundborn, Lynde, MacAuslan, James McDonald, Millard, Mittelman, Owen, Pantelakos, Marsha Pelletier, Phinney, Katherine Rogers, Weatherspoon and Yeaton, the day, important business.

Reps. Julie Brown, Robert Kelley and Morrill, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Roberta Robie, guest of Rep. Sabella. Girl Scout Troop No. 2122 from Windham and its leaders and Boy Scout Matthew Lydon, guests of the Windham delegation. Cutter School 4<sup>th</sup> grade students from Swanzey, guests of Reps. Steere, Lynott and Metzger. Lucy Crane, guest of Rep. Fraser. Claire Belisle, guest of Rep. Pfaff. Jeff Brandon and Lindsay Thompson, guests of Rep. Naida Kaen. Students from the Eckerd Educational Wilderness Program, guests of Reps. Hager and Wallner.

**SPECIAL GUESTS**

The Bishop Brady High School Class I Championship Girls' Cheerleading Team and Boys' Class I Basketball Team, guests of Rep. DeStefano and the House.

**SENATE MESSAGES****CONCURRENCE**

**HB 215**, relative to taxation of discretionary easements.

**HB 216**, relative to municipal budgets.

**HB 285**, relative to the official name of the "Old Man of the Mountain."

**HB 328**, relative to hour limitations on voting.

**HB 332**, repealing the law which prohibits an entity which conducts horse or dog racing from employing a member of the general court.

**HB 336**, clarifying certain definitions relating to dams.

**HB 381**, relative to public recreation and park areas in municipalities.

**HB 390**, relative to quarantine of captive wildlife.

**HB 398**, allowing Delta Dental Plan of New Hampshire to issue plans to individuals.

**HB 415**, establishing a nighttime speed limit for OHRVs traveling on the frozen surface of Back Lake in the town of Pittsburg.

**HB 434**, relative to milk products of sheep and goats and milk producer permits and allowing the commissioner of the department of health and human services to impose certain administrative fines.

**HB 498-FN-A**, recognizing the New Hampshire Farm Museum in Milton, New Hampshire as the first official state of New Hampshire farm museum.

**HB 540**, establishing a committee to study ways in which state agencies can be encouraged to assist small businesses to develop practices that comply with state law.

**HB 650**, relative to limited liability companies.

**HB 687**, establishing an Alan B. Shepard park commission.

**HB 809**, establishing a committee to study the feasibility of bringing the New England Patriots to New Hampshire.

**HCR 11**, relative to the preservation and revitalization of New Hampshire's rail-based corridors of commerce.

**CACR 18**, relating to references to the governor in the constitution. Providing that all references to the governor in the constitution shall be gender neutral.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 254**, relative to shared tenant telecommunication services. (Amendment printed SJ 13, 4/24/97)  
Rep. Jeb Bradley moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Chair appointed Reps. Howard, Donald White, Below and Jeb Bradley.

**HB 255**, establishing a committee to study access to dental care for low-income, uninsured, and underinsured persons. (Amendment printed SJ 13, 4/24/97)

Rep. Emerton moved that the House concur.

Adopted.

**HB 264**, relative to technical committees advising the director of the office of information technology management on technical issues. (Amendment printed SJ 13, 4/24/97)

Rep. Mercer moved that the House concur.

Adopted.

**HB 315**, expanding certain financial powers of village districts. (Amendment printed SJ 10, 3/27/97)  
Rep. Metzger moved that the House concur.

Adopted.

**HB 516**, increasing the fuel oil discharge cleanup fund fee. (Amendment printed SJ 13, 4/24/97)  
Rep. Kurk moved that the House concur.

Adopted.

**HB 628**, relative to an agreement or contract for the Mount Sunapee or Cannon Mountain ski area operations, or both, establishing a committee to develop a proposal and review responses, and requiring review of any agreement or contract by the capital budget overview committee. (Amendment printed SJ 13, 4/24/97)

Rep. Royce moved that the House concur.

Adopted.

**HB 704**, relative to provisional licenses for manufacturers of beverages and requiring approval of the source of water used to manufacture beverages. (Amendment printed SJ 11, 4/3/97)

Rep. Emerton moved that the House concur.

Adopted.

**HB 706**, establishing a commission on animal damage control to review the fish and game laws relating to damage by game birds and game. (Amendment printed SJ 11, 4/3/97)

Rep. Mock moved that the House concur.

Adopted.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 251, 392, 216 and 390 and Senate Bill numbered 81.

Rep. Nowe, Sen. Barnes for the Committee

### AMENDMENT TO HOUSE RULES

The Rules Committee offered the following:

#### Amendment (1148h)

Amend House Rule 64 by replacing the entries from April 16, 1997 to June 11, 1997 with the following:

MAY 8, 1997, Thursday

Last day to report all Senate bills going to a second committee.

MAY 14, 1997, Wednesday

Last day to act on all Senate bills going to a second committee.

MAY 15, 1997, Thursday

Last day to report all Senate bills not in second committee.

MAY 22, 1997, Thursday

Last day to report all Senate bills in second committee.

MAY 28, 1997, Wednesday

Last day to act on all Senate bills.

MAY 29, 1997, Thursday

Last day to form committees of conference.

JUNE 5, 1997, Thursday

Last day to file committee of conference reports.

JUNE 9, 1997, Monday

Committee of conference reports available.

JUNE 12, 1997, Thursday

Last day to act on committee of conference reports.

### AMENDED ANALYSIS

The amendment to House Rule 64 changes various deadlines for legislative action.

Rep. Lozeau moved that the Amendment be adopted.

Adopted.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**SB 164**, establishing a committee to study the establishment of a registry for intellectual property. **OUGHT TO PASS**

Rep. Toni M. Crosby for Commerce: This bill charges the state with establishing a committee to study the creation of a National Registry for Intellectual Property to be housed in New Hampshire. A centralized registry for copyrights, patents and trademarks would benefit both inventors and lenders when projects are in the funding stage. New Hampshire has a unique opportunity to promote itself as the perfect place to host an Intellectual Property Registry, as it is the home of the number one rated Intellectual Property program in the country, the Franklin Pierce Law Center. Vote 13-0.

**SB 134**, establishing a committee to study the certificate of need board and RSA 151-C. **INEXPEDIENT TO LEGISLATE**

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: There being no testimony supporting a need for a study at this time, and aware that there is now in place a pilot program involving ambulatory care units, the committee feels that it is premature at this time. Vote 15-1.

**SB 125**, relative to the right of entry upon lands for surveying. **INEXPEDIENT TO LEGISLATE**

Rep. Carol H. Holden for Judiciary and Family Law: The committee feels that current governance of land surveyors by a licensure statute and regulations is adequate. The provisions of this bill go beyond what is an appropriate rule of practice. If this bill were adopted, licensed land surveyors and their agents would be allowed to enter any land after reasonable notice. Reasonable notice was not defined. In addition, licensees would be immunized from certain actions in trespass. Vote 17-0.

**SB 5**, relative to deposits and investments by trustees of town trust funds in credit unions and in mutual funds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul A. McGuirk for Municipal and County Government: The committee heard no unfavorable testimony on SB 5. This bill allows investments, namely in some credit unions in the state of New Hampshire and shares of open-ended mutual funds. The committee unanimously agreed to amend RSA 31:25, custody investments. Vote 19-0.

**Amendment (1165h)**

Amend the bill by replacing sections 1 and 2 with the following:

1 Custody Investments. Amend RSA 31:25 to read as follows:

31:25 Custody; Investments. The trustees shall have the custody of all trust funds held by their town. The funds shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company in this state, *in some credit union in this state*, or in shares of any building and loan association or cooperative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, or in bonds, notes or other obligations of the United States government, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state; and such stocks and bonds as are legal for investment by New Hampshire savings banks [~~and when so invested, the trustees shall not be liable for the loss thereof~~]; and in [~~any common trust fund established by the New Hampshire Charitable Foundation in accordance with RSA 292:23~~] *participation units in the public deposit investment pool established pursuant to RSA 383:22. Shares of open ended mutual funds are also permitted if they are registered with the Securities and Exchange Commission, qualified for sale in the state of New Hampshire in accordance with the New Hampshire uniform securities act of the New Hampshire secretary of state's office, and which have in their prospectus a stated investment policy which is consistent with the investment policy adopted by the trustees of trust funds in accordance with RSA 35:9, and when so invested, the trustees shall not be liable for the loss thereof.* The trustees may retain investments as received from donors, until the maturity thereof. The trustees shall formally adopt an investment policy for all investments made by them or by their agents for any trust funds in their custody. Such investment policy shall be reviewed and confirmed at least annually.

2 Retention of Nonlegal Securities. Amend RSA 31:25-a to read as follows:

31:25-a Retention of Nonlegal Securities. Any security which at the time of its purchase under RSA 31:25 constituted a legal investment for New Hampshire savings banks *or trustees of trust funds* under the laws and conditions then existing may be retained notwithstanding the fact that, because of changes in the law relating to legal investments or because of conditions arising subsequent to the purchase of such security, its purchase might not then be legal; provided, however, that no such security that is not a prudent investment under the circumstances existing at the time of its retention and thereafter [~~shall~~] *may* be retained by the trustees; and provided further, that the aggregate total of the market value of all securities retained under this section shall not exceed 20 percent of the total market value of all the investments held by the trustees.

**SB 151**, relative to final orders on appeals of decisions of zoning boards of adjustment. **INEXPEDIENT TO LEGISLATE**

Rep. Paul A. McGuirk for Municipal and County Government: Current statute allows the court, in its discretion, to remand the appeal to the zoning board of adjustment for further proceedings, not inconsistent with the decree, as justice may require. This bill would require the court to make a final order or decision on the appeal. The committee is of the opinion that the procedure to resolve zoning appeals is working quite well and should not be changed, thus the report of ITL. Vote 16-1.

**SJR 3**, urging the United States Congress to adopt a constitutional amendment for environmental rights. **INEXPEDIENT TO LEGISLATE**

Rep. William M. Golding for State-Federal Relations and Veterans Affairs: The committee feels that the dynamics involved in current federal and state laws and regulations pertaining to clean and healthful air and water adequately addresses the issue. The committee did not feel that the issue merited elevation to the status of a "right" prescribed in the Federal Constitution any more than the "right" to other elements and factors that contribute to the health of a person. Vote 15-3.

**SB 123**, relative to shellfish harvesting areas. **OUGHT TO PASS**

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill recognizes the Department of Health and Human Services as the agency administering water quality standards regarding shellfish harvesting areas. Vote 9-0.

## REGULAR CALENDAR

**SB 85**, making technical changes in laws relative to the probate courts. **OUGHT TO PASS**  
 Rep. Benjamin J. DePecol for Judiciary and Family Law: This bill makes the N.H. Supreme Court responsible for setting the rates for New Hampshire Legal Assistance. It also extends ex parte expiration dates from 14 to 30 days after the date of the order and makes some technical wording changes to RSA 547. Vote 12-5.  
 Adopted and ordered to third reading.

**SB 213-FN-A**, establishing a fund for loans to rehabilitate class III railroads and cog railroads and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Paul I. LaMott for Public Works and Highways: The purpose of this bill is to continue the successful \$2.5 million railroad revolving loan program established in 1994. The loan program is administered by the Bureau of Railroads in coordination with the State Treasurer. The infrastructure of short line railroads in the northern part of the state, the Rochester area and the North Walpole area have benefited from the program. This bill increases the bonded appropriation by \$1.5 million and allows for the cog railroad to become eligible for the program. The amendment makes this program a permanent statute, requires a benefit cost analysis be prepared by the department of transportation prior to authorizing a loan, makes an intrastate passenger excursion railroad eligible for the program, and at the department of transportation's request changes the name of the Bureau of Railroads and Public Transportation to the Bureau of Rail and Transit. Vote 19-0.

## Amendment (1142h)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court declares that:

I. Rail service is indispensable to certain areas of the state.

II. There is a need to provide and maintain efficient and viable rail lines of New Hampshire class III railroads and cog railroads.

III. There is a need to keep rail lines of class III railroads and cog railroads in the private sector by utilizing qualified short line operators and cog railroad operators.

IV. There is a need to provide for limited state support funds for local rail assistance to maintain and enhance the rail lines and equipment of short line railroads and cog railroads.

2 Bureau Name Changed. Amend RSA 228:57-a, I to read as follows:

I. Notwithstanding RSA 228:57, portions of real estate owned by the state and managed by the bureau of [~~railroads and public transportation~~] **rail and transit** in the department of transportation that are on the shores of public waters, as defined by RSA 271:20, may be leased for private, noncommercial use by owners of adjacent properties separated from the shore only by the railroad land, as long as such use does not interfere with railroad operations. Any property owner meeting the requirements of this section may request in writing to be allowed to lease such property from the state. However, when the adjacent property is owned by more than one individual, such as a condominium association, the association, only as a single entity, may request the lease. In no case shall more than one access point to the leased property be allowed.

3 New Section; Rehabilitating Class III Railroads and Cog Railroads; Revolving Loan Fund. Amend RSA 228 by inserting after section 66 the following new section:

228:66-a Rehabilitating Class III Railroads and Cog Railroads; Revolving Loan Fund.

I. There is established the class III railroad and cog railroad capital rail line rehabilitation and equipment revolving loan fund which shall be spent on rehabilitating the rail lines and the purchasing of equipment of class III railroads and cog railroads, which rail lines, equipment, and railroads, shall meet the requirements of the benefit/cost analysis prepared by the department of transportation's bureau of rail and transit. Loans provided to operators of class III railroads and cog railroads for rehabilitating the rail lines and equipment purchases shall be approved by the governor and council.

II. The operator of the class III railroad or cog railroad provided a loan under this section shall be required to furnish assurance by signed agreement with the state to continue utilization of the line involved on an annual basis at a tonnage level of at least 80 percent of their annual tonnage average over the 3 years preceding the agreement, provided that enforcement of such assurance shall be preceded by a finding by the commissioner that any shipping rate increases during such period are reasonable, or a continued utilization of the line involved on an annual basis at a passenger level of at least 80 percent of their prior 3 years preceding the agreement.

III. The operator of the class III railroad or cog railroad shall repay any loan funded pursuant to paragraph I on such terms and conditions as are recommended by the bureau of rail and transit, department of transportation. The term of the loan shall be no less than 5 and no longer than 20 years and shall, to the extent possible and consistent with this section, be determined so as to match the useful life of the improvements funded by the loan. The terms and conditions shall be contained in the binding agreement between the state and the operator of the class III railroad or cog railroad and shall be sufficient to fully reimburse the state for the principal and interest payments on that portion of the bonds authorized to fund the loan.

IV. A lien on the improved property or equipment shall be created in favor of the state in an amount which equals the sum of principal and interest to be repaid by the operator of the class III railroad or cog railroad. The lien shall be recorded in the registry of deeds of the county or counties in which the improved property is situated and shall not supersede any lien created by a mortgage affecting such property. The lien shall expire only when the loan has been fully repaid.

V. For the purpose of this section, a "class III railroad" shall be a freight railroad or an intrastate passenger excursion railroad.

4 Appropriation. The sum of \$1,500,000 is hereby appropriated, in addition to any other sums appropriated, to the department of transportation, bureau of rail and transit, to be deposited in the class III railroad and cog railroad capital rail line rehabilitation and equipment revolving loan fund for the fiscal year ending June 30, 1998, for the purpose of rehabilitating the rail lines of class III railroads and cog railroads. This appropriation shall be nonlapsing.

5 Bonds Authorized. To provide for the appropriation made in section 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding \$1,500,000 for said purposes and may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

6 Transfer of Funds. All funds remaining in the fund established under 1994, 338:3 and 4 shall be transferred to the fund established under RSA 228:66-a.

7 Effective Date. This act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill establishes a fund to be used for loans to operators of class III railroads and cog railroads for rehabilitation of such railroads and appropriates \$1,500,000 for the fiscal year ending June 30, 1998, and transfers funds from the class III railroad capitol rehabilitation revolving loan fund to the class III railroads and cog railroad capital rail line rehabilitative fund. It also changes the name of the bureau of railroads and public transportation to the bureau of rail and transit.

Adopted.

Report adopted and referred to Finance.

Rep. Leishman declared a conflict of interest and did not participate.

### RESOLUTION

Rep. Holden offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 7, 1997 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 164**, establishing a committee to study the establishment of a registry for intellectual property.  
**SB 5**, relative to deposits and investments by trustees of town trust funds in credit unions and in mutual funds.

**SB 123**, relative to shellfish harvesting areas.

**SB 85**, making technical changes in laws relative to the probate courts.

**REMARKS**

Rep. Teschner moved that the remarks made by Rep. Sytek be printed in the Journal.  
Adopted.

Rep. Sytek: Thank you, Mr. Speaker. We have some good news and some bad news. The bad news is that Carol Holden is going to be resigning tomorrow to become - the good news - she is going to be a County Commissioner in Hillsborough County. That is good news for the people of Hillsborough County. She has served them well as a member of the County Delegation. But, it is certainly bad news for us who will certainly miss her after seven terms in the House. She served as Chairman of Children and Youth, Co-Chairman of Constitutional and Statutory Revision and as a key member of the current Judiciary Committee. She is a valuable member of the House. She is an Assistant Majority Leader and in charge of Continuing Education which she has done in her usual outstanding way. If you want a job done right, done precisely and done with class, you ask Carol Holden. I'm glad that the Superior Court Judges chose her for these precise qualities and our loss is going to be Hillsborough County's gain. We are going to miss you, Carol, and we thank you for your service.

**RECESS MOTION**

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 1:40 p.m.

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 19**

Wednesday, May 7, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Receive us, O God, into Your silence and Your stillness so that in our ceaseless scurrying we may pause in the graciousness of Your presence and take delight in the holiness of each moment. When we are weary, give us fresh energy. When we are confused, grant us clarity of thought. When we are determined, fill us with humility; and in all that we do and say, make us instruments of Your will. Amen.

Rep. Heath led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Battles-Peirce, Feng, Gibbons, Hinman, Morello, Nichols, O'Connell, Sullivan and Paul Taylor, the day, illness.

Reps. Buckley, Carson, Case, D'Allesandro, DeChane, Dowd, Gagnon, Guest, Robert Kelley, Leber, Marcinkowski, Martin, William McCarthy, Mears, Marsha Pelletier, Seldin, Steere, Trelfa and Weatherspoon, the day, important business.

Reps. Burney and Morrill, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Stig, Dawn and Vigdis Callahan and Shaun Dunn, son, daughter-in-law, daughter and guest of Assistant Clerk, Leo Callahan. Raymond Whipple, guest of Rep. Sargent. Christopher Tivey, grandson of Rep. Lovejoy. Jack Reardon, nephew of Rep. Reardon. Patricia Russell, wife of Rep. Russell. Lois Stearns, guest of Rep. Edwin Smith. Peter Tholl, Sr., guest of Rep. Tholl. Michael deMartelly, guest of Rep. Lynott. Roberta Robie, guest of Rep. Sabella. Mark Lamach, son of Rep. Lamach. Tom Osborne, guest of Rep. Cooney.

**SPECIAL GUESTS**

The Concord High School Class L Championship boys' wrestling and basketball teams and Division I Championship boys' hockey team, guests of Reps. Fraser and Hoadley and the House.

**COMMUNICATIONS**

May 1, 1997

Hon. Donna Sytek, Speaker of the House

Dear Madam Speaker:

Recently, I was selected by a panel of New Hampshire Superior Court Judges to fill the vacancy in the office of Hillsborough County Commissioner for the balance of an unexpired term. Under the provisions of the New Hampshire RSA 655:10, Incompatible Offices, no person shall hold the position as a member of the General Court and County Commissioner at the same time.

It is thus with deep regret that I must resign my seat as a member of the General Court representing Hillsborough District 14. Please convey to the members my deep gratitude for their kindness to me. It has been an honor to serve under your leadership this session. I wish you well.

Carol H. Holden  
Hillsborough 14

May 5, 1997

Karen O. Wadsworth, Clerk of the House.

Representative Feng wishes to thank his dear colleagues for all the kind words, well wishes, and warm encouragement during his illness. He has completed three weeks of radiation treatment. He is currently experiencing some side effects caused by the radiation. He regrets that he is not able to thank each of you personally for your kind thoughts. Our family is fortunate and grateful to have your moral support in addition to that of his constituents. With your prayers, we are confident that my husband will win this battle as he has done before.

Helen Feng for Rep. Feng

**COMMITTEE ASSIGNMENT**

Rep. Lavoie off Labor, Industrial and Rehabilitative Services; on Local and Regulated Revenues.

**RESOLUTION**

Its introduction having been approved by the Rules Committee:

Reps. Wheeler and Burling offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 811, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 811**, legalizing, ratifying, and confirming actions, votes and proceedings of the annual meetings of the North Walpole village district and the town of Bartlett. (McGuirk, Ches 1; J. Pratt, Ches 2: Municipal and County Government)

**SENATE MESSAGES****CONCURRENCE**

**HB 171**, repealing the citizens advisory committee which advises the pesticide control board.

**HB 208-L**, relative to the status of roads laid out by the courts of common pleas or the county commissioners.

**HB 269**, relative to the compensation of sweepstakes commissioners who are members of a multi-state lottery commission.

**HB 348-FN**, allowing the state fire marshal to investigate a building collapse or release of carbon monoxide.

**HB 375**, relative to the statement which must be signed by applicants for notary public or justice of the peace.

**HB 383**, requiring the nomination and election of the secretary of state and treasurer to be without regard to party affiliation of the candidate.

**HB 421**, amending the law against discrimination to prohibit discrimination on account of a person's sexual orientation.

**HB 471**, relative to the method of refund of the road toll paid by private school bus companies.

**HB 483**, relative to regulation of securities.

**HB 624**, subjecting certain payments made to public employees upon resignation, discharge, or retirement to the right-to-know law.

**HB 667**, relative to confidentiality issues concerning the exchange of information between the departments of revenue administration and employment security and relative to payment of employer contributions.

**HB 713**, relative to the names of foreign limited partnerships, and eliminating an annual notice requirement for limited liability partnerships.

**HB 714**, deleting certain duties of the secretary of state relative to the state treasurer's insurance bond and accounts of bonds issued by the state treasurer.

**HB 744-FN**, relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval, and relative to the legal status of local river management advisory committees.

**HJR 4**, urging the United States Congress and the Federal Energy Regulatory Commission to cooperate with state plans to restructure the electric utility industry.

**HJR 5**, urging the United States Congress and the United States Environmental Protection Agency to make certain changes in the Clean Air Act which would result in more cost effective air pollutant emission reductions.

**HJR 7**, urging the United States Congress and the Veterans Administration to maintain adequate health care services for New Hampshire veterans.

**HCR 10**, urging recognition of the contributions made by the Irish potato famine immigrants and observation of the 150<sup>th</sup> anniversary of the Great Hunger.

## CONCURRENCE WITH AMENDMENTS

**SB 49-FN**, clarifying certain procedures under the lead paint law.

**SB 72**, relative to the New Hampshire life and health guaranty association and repealing the law relative to the interstate insurance receivership compact.

**SB 144**, establishing a committee to study certain issues regarding Silver Lake in the towns of Belmont and Tilton

## NONCONCURRENCE

**HB 169**, prohibiting former state legislators from serving as lobbyists for 2 years after leaving the legislature.

**HB 189**, excluding rooms and rental units leased or subleased from charitable organizations under a transitional housing program from definition of "tenancy" for the purposes of landlord/tenant laws.

**HB 397**, establishing a house study committee to examine the adoption of articles 41, 72-a and 73-a of the second part of the New Hampshire constitution.

## ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 254**, relative to shared tenant telecommunication services.

The President appointed Sens. Johnson, Whipple and Patenaude.

## REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 249**, clarifying the authority of certain officials and law enforcement officers to serve cease and desist orders against planning and zoning violations. (Amendment printed SJ 13, 4/24/97)

Rep. David Welch moved that the House concur.

Adopted.

**HB 368**, establishing the honorary position of artist laureate of the state of New Hampshire. (Amendment printed SJ 14, 4/30/97)

Rep. Mercer moved that the House concur.

Adopted.

**HB 486**, relative to a study of a certain portion of Route 3A. (Amendment printed SJ 14, 4/30/97)

Rep. Gene Chandler moved that the House nonconcur.

Adopted.

**HB 652**, establishing a committee to study certification of police and fire dispatchers. (Amendment printed SJ 14, 4/30/97)

Rep. David Welch moved that the House concur.

Adopted.

**HB 662**, revising the laws relative to the use of dealer plates. (Amendment printed SJ 14, 4/30/97)

Rep. Packard moved that the House concur.

Adopted.

## ENROLLED BILLS REPORTS

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 215, 328, 498 and HJR 7 and Senate Bill numbered 87.

Rep. Nowe for the Committee

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 255, 336, 381, 398, 434, 471, 516 and 706 and Senate Bills numbered 103, 110, 119, 144 and 156.

Rep. Amidon for the Committee

## SUSPENSION OF RULES

Reps Wheeler and Burling move that the Rules be so far suspended as to permit the reporting deadline to be extended for one week, to May 15, 1997, for the following entitled bills:

**SB 68**, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty.

**SB 149**, prohibiting state agencies managing federal programs from exceeding their statutory authority in placing restrictions on activities of the private sector.

**SB 162**, relative to the acquisition of a certain piece of property in Piermont, New Hampshire and making an appropriation therefor.

**SB 168**, requiring the department of corrections to prepare and enter into a lease-purchase agreement with the Berlin Economic Development Council for a medium security correctional facility to be constructed in Berlin and making an appropriation therefor.

**SB 172**, making various changes to the workers' compensation law.

**SB 196**, allowing the transmission of simulcast races at grand hotels.

**SB 202**, relative to the certification of teachers, high school graduation examinations and making an appropriation therefor, school building aid, and establishing a committee to study school discipline and manifest educational hardship.

**SB 209**, establishing a residential care pilot program and providing for the funding of such program.

**SB 216**, relative to pari-mutuel racing and taxes on pari-mutuel pools.

Reps. Gene Chandler and Emerton spoke in favor.

Adopted by the necessary two-thirds.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 37**, relative to line items at town and school district meetings, removed by Rep. Alger.

**SB 62**, authorizing the governing bodies of towns which have not adopted the official ballot referendum form of meeting, but which are in school districts which have adopted the official ballot referendum form of meeting, to move the election day of the 1997 and 1998 annual meetings of those towns to April 8, 1997, and April 14, 1998, respectively, removed by Rep. Burke.

**SB 180-FN-A**, relative to the maintenance, enhancement and rehabilitation of local rural airport service and making an appropriation therefor, removed by Rep. Packard.

Consent Calendar adopted.

**SB 66**, allowing a state resident to obtain a license for a pistol or revolver for life. RE-REFER TO COMMITTEE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill changes the current concealed weapon permit for a resident from a four year period to a lifetime permit. Testimony in support cited convenience for law abiding and responsible gun owners. Additionally, the penalties for being found carrying a concealed weapon after expiration of a carry permit could prevent a permit from being granted in the future because it would be a "weapons charge" against the applicant. Law enforcement officials felt it was irresponsible to not renew a permit as important as a concealed weapons permit if a firearm was commonly carried. They also indicated that an individual's ability to safely handle a firearm could diminish over time much as a persons ability to drive could diminish and the periodic renewal allowed a check and balance in the permitting process that was both prudent and reasonable. The committee agrees but would like to re-refer SB 66 in order to review the penalties that currently treat an individual whose permit had expired in the same manner as a person who had ignored the permitting process required by the statutes. A lapse of memory should not be considered a criminal act when there is no intent to violate the law. Vote 12-0.

**SJR 2**, relative to federal funding under the Individuals with Disabilities Education Act. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley Searles for Education: This resolution urges Congress to keep its promises, appropriate the 40% average per pupil expenditure funds as established in Public Law 94-142 and revise Individuals with Disabilities Education Act. Vote 15-0.

### Amendment (1153h)

Amend the resolution by replacing all after the title with the following:

Whereas, when the Individuals with Disabilities Education Act was passed, Congress promised to fund a sum based on 40 percent of the average per-pupil expenditure in public elementary and secondary schools and the number of special education students; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That Congress appropriate the promised amount based on 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States and the number of special education students and make such changes in the Individuals with Disabilities Education Act so that New Hampshire may continue to provide quality special education services to its students; and

That copies of this resolution, signed by the president of the senate and the speaker of the house be forwarded by the senate clerk to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire congressional delegation.

### AMENDED ANALYSIS

This senate joint resolution states that, whereas Congress promised to fund a certain amount based on 40 percent of the average per-pupil expenditure in public elementary and secondary schools and the number of special education students, Congress should appropriate the promised amount and make changes to the IDEA so that NH may continue to provide quality special education services to its students.

#### **SB 30, relative to time of dog licensure. OUGHT TO PASS**

Rep. Frank D. Callaghan for Environment and Agriculture: This bill changes present law to allow dog licensing from three months to four months to conform to veterinarian practice of spay/neutering at four months. Vote 12-0.

#### **SB 31, relative to rabies certificates. OUGHT TO PASS**

Rep. William P. Brennan for Environment and Agriculture: This bill allows for rabies certificates to be filed so that the owner of the dog is on record with the town clerk at the time of licensure, and does not have to produce verification. Vote 15-0.

#### **SB 60-FN, excluding claims against New Hampshire hospital which are under \$500 from the jurisdiction of the state board of claims. OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill, as amended, will reinstate the oversight committee for claims arising from the clinical operation and administration of the New Hampshire Hospital. The bill will also exempt claims under \$500.00 against the state hospital from RSA 541-B. The hospital will have jurisdiction to investigate, hold hearings, and render a decision to honor or deny awards on claims when the amount is less than \$500.00. Claims for amounts between \$500.00 and \$50,000.00 will continue to be heard by the Board of Claims. Vote 17-0.

### **Amendment (0795h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** excluding claims against New Hampshire hospital which are under \$500 from the jurisdiction of the state board of claims, and establishing a legislative oversight committee.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Oversight Committee on Claims Arising From the Operation and Administration of the New Hampshire Hospital. Amend RSA 541-B by inserting after section 22 the following new section:

541-B:23 Oversight Committee For Claims Arising From the Clinical Operation and Administration of the New Hampshire Hospital.

I. There is hereby established a legislative oversight committee to review claims arising under RSA 541-B:21 and 99-D:8, IV. The committee members shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house.

(b) Two members of the senate, appointed by the senate president.

II. The first-named house member of the committee shall be chairperson.

III. The committee shall report its findings to the general court 6 months prior to the awarding of any contract described in RSA 541-B:21, I.

IV. The members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 New Paragraph; Oversight Committee. Amend RSA 99-D:8 by inserting after paragraph III the following new paragraph:

IV. All claims arising under this section related to the New Hampshire hospital shall be reviewed by the legislative oversight committee established under RSA 541-B:23.

4 Effective Date.

I. Section 1 of this act shall take effect January 1, 1998.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill excludes claims against New Hampshire hospital which are under \$500 from the jurisdiction of the state board of claims. The department of health and human services shall have jurisdiction over such claims.

The bill also establishes a legislative oversight committee to review claims arising from the clinical operation and administration of the New Hampshire hospital.

**SB 106-FN**, establishing a committee to study the regulation of gas burner technicians and oil burner technicians. **INEXPEDIENT TO LEGISLATE**

Rep. Myron S. Steere, III for Executive Departments and Administration: The committee feels, based on testimony and discussion, that there is no compelling public safety issue that would require licensing of gas burning technicians and oil burner technicians. The current process using building codes with inspections by fire department personnel and building inspectors works satisfactorily. Vote 14-3.

**SB 131—FN**, allowing certain state employees to take paid leave to participate in disaster relief service work. **RE-REFER TO COMMITTEE**

Rep. Jon P. Beaulieu for Executive Departments and Administration: The committee understands the importance of the work that the American Red Cross provides with its disaster relief services. However, there were a number of unanswered questions as to the effect of such legislation. Among the questions unresolved were concerns of insurance coverage and the effect this type of leave would have upon an individual's disability retirement benefits should he or she be injured. With the many questions and lack of time, the committee asks that this bill be re-referred so that answers to questions may be found. Vote 12-4.

**SB 146**, establishing a committee to study the issue of reducing the number of years of service required to be vested in the retirement system plan from 10 years to 5 years. **OUGHT TO PASS**  
Rep. Merton S. Dyer for Executive Departments and Administration: The joint committee established by this bill will study the vesting issues including the length of time to vest and the cost associated with any changes, and will review current standards for both governmental and non-governmental plans. With the many changes taking place in retirement plans, this is a subject that should be thoroughly studied to determine the effect upon the New Hampshire Retirement System. Vote 15-2.

**SB 167**, relative to the regulation of naturopathic practitioners. **OUGHT TO PASS WITH AMENDMENT**

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill with amendment extends the date for licensure application for doctors to March 1998. It also preserves the exemptions already in the bill. It reserves issues regarding titles of naturopaths, scopes of practice and enforcement to be considered with HB 762, relative to the regulation of naturopathic medicine, which was re-referred to the committee earlier this session. Vote 15-0.

### Amendment (1162h)

Amend RSA 328-E:5, I(e)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) Apply for a license in a manner prescribed by the board on or before March 1, [1995] **1998**.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

### AMENDED ANALYSIS

This bill adds the following persons to the list of those who are exempt from certain laws governing licensed doctors of naturopathic medicine:

I. Any individual rendering aid in an emergency, when no fee or other consideration for the service is charged, received, expected, or contemplated.

II. Any individual administering a domestic or family remedy.

III. Any person engaged in the sale of vitamins, health foods, dietary supplements, and other products of nature, the sale of which is not otherwise prohibited under state or federal law, as long as such person is not diagnosing any human disease, ailment, injury or other condition.

The bill extends the period during which a person, who has held himself or herself out as a naturopath or a doctor of naturopathic medicine prior to July 1, 1991, may apply for a license.

**SB 159-FN**, establishing a committee to study increased public access to data concerning physicians and persons certified or registered under RSA 330-A. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia G. O'Keefe for Health, Human Services and Elderly Affairs: This bill establishes a committee to study increased public access to data concerning physicians and surgeons who are licensed under RSA 329. With the recent changes in health care delivery systems, compelling reasons to study the issue of matching physician data readily available to the health care consumer. Vote 17-0.

### **Amendment (1225h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study increased public access to data concerning physicians and surgeons licensed under RSA 329.

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a committee to study increased public access to data concerning physicians and surgeons licensed under RSA 329.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study increased public access to data concerning physicians and surgeons licensed under RSA 329.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

### **AMENDED ANALYSIS**

This bill establishes a committee to study increased public access to data concerning physicians and surgeons licensed under RSA 329.

**SB 84**, revising the uniform simultaneous death act. **RE-REFER TO COMMITTEE**

Rep. Deborah L. Woods for Judiciary and Family Law: This bill revises New Hampshire's Simultaneous Death Act to comply with the Uniform Simultaneous Death Act of 1993. The committee unanimously voted re-refer to have the opportunity to better understand the complicated language and concepts of this important issue. Vote 19-0.

**SB 96-FN**, relative to the priority of charges in probate of estates. **RE-REFER TO COMMITTEE**

Rep. Deborah L. Woods for Judiciary and Family Law: This bill makes changes in the priority of charges assessed by probate courts in estates of deceased. It was substantially amended by the Senate. The committee needs the time that re-refer affords to study and understand the issues involved. Vote 20-0.

**SB 194-FN-A**, relative to the age of child day care providers homes, and allowing school districts to transport school-age children between schools and before-and-after school programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marjorie K. Smith for Judiciary and Family Law: This bill, as amended, acknowledges the state's interest in assisting families in keeping school age youth safe and out of trouble as their families move toward self-sufficiency. It provides that child care providers receiving money from

the departments of Health and Human Services and Education should meet certain minimum standards and it clarifies current practice for transporting pupils between schools and legally operating before and after school programs. Vote 14-3.

### **Amendment (1169h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the qualifications of child day care providers, and allowing school districts to transport school-age children between schools and before-and-after-school programs.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. It is the intent of the state of New Hampshire to assist families in keeping school-age youth safe and out of trouble as their families move toward self-sufficiency by preventing inappropriate latchkey situations, and to encourage collaborative ventures between schools, churches, youth serving organizations, businesses, and the juvenile justice community and their families, whenever possible.

2 New Paragraph; Requirements for Child Care Providers. Amend RSA 170-E:4 by inserting after paragraph II the following new paragraph:

III. The child day care provider receiving moneys from the department of health and human services or department of education shall be 18 years of age or older, and neither the child care provider nor the provider's employee shall have any felony convictions or founded cases of child abuse or neglect.

3 New Section; Transportation Between Schools and Before and After School Child Day Care Programs. Amend RSA 189 by inserting after section 6-a the following new section:

189:6-b Transportation Between Schools and Before-and-After-School Programs. To achieve maximum utilization of available before-and-after-school programs for school-age children, school districts shall be permitted to transport pupils between schools and legally-operating before-and-after-school programs upon the approval of the school district in the same manner as the school budget is adopted by that district. Such approval shall continue until revoked in the same manner.

4 Effective Date. This act shall take effect 60 days after its passage.

### **AMENDED ANALYSIS**

This bill requires child care providers in certain subsidized child care programs to be at least 18 years of age and have no felony convictions or founded cases of child abuse or neglect. It also allows school districts to transport pupils between schools and before-and-after-school programs.

**SB 206-FN-A**, relative to seminars conducted by the superior court for persons seeking custody or visitation of minor children and relative to fees charged for such seminars. **INEXPEDIENT TO LEGISLATE**

Rep. Janet W. Wall for Judiciary and Family Law: The committee, together with the sponsors, agrees that there is no need for this bill, in its current format, because we have currently a stronger statute in place which is working satisfactorily. The bill was intended to augment the current program, but instead would serve only to weaken and jeopardize this much needed process for counseling during those divorces where child custody and visitation are issues. Vote 20-0.

**SB 21**, excepting persons who are 17 years old and graduated from high school from the youth employment law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rebecca C. Hutchinson for Labor, Industrial and Rehabilitative Services: This bill will exempt 17 year olds who have graduated from high school from the youth employment law. It will also establish a committee to review the entire youth employment law and make recommendations to update the law. Vote 14-1.

### **Amendment (1023h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** excepting persons who are 17 years old and graduated from high school from the youth employment law and establishing a committee to study the youth employment law.

Amend the bill by replacing all after section 1 with the following:

2 Committee Established. There is established a committee to study the youth employment law.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall study all aspects of RSA 276-A, the New Hampshire youth employment law.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

7 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill adds an exception to the requirement for a certificate under the youth employment law for 17-year-old persons who are high school graduates or who have received a high school equivalency diploma. This bill also establishes a committee to study the youth employment law.

**SB 38**, relative to certain activities under the workers' compensation law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jane P. Kelley for Labor, Industrial and Rehabilitative Services: This bill re-defines "injury" or "personal injury." Employees will not receive workers' compensation for injuries sustained on or off the premises for participation in athletic/recreational activities which are not a condition of employment. Vote 15-0.

### Amendment (1051h)

Amend the bill by replacing all after the enacting clause with the following:

1 Definition Amended. Amend RSA 281-A:2, XI to read as follows:

XI. "Injury" or "personal injury" as used in and covered by this chapter means accidental injury or death arising out of and in the course of employment, or any occupational disease or resulting death arising out of and in the course of employment, including disability due to radioactive properties or substances or exposure to ionizing radiation. "Injury" or "personal injury" shall not include diseases or death resulting from stress without physical manifestation. No compensation shall be allowed to an employee for injury proximately caused by the employee's willful intention to injure himself or injure another. Conditions of the aging process, including but not limited to heart and cardiovascular conditions, shall be compensable only if contributed to or aggravated or accelerated by the injury. *Notwithstanding any law to the contrary, "injury" or "personal injury" shall not mean accidental injury, disease, or death resulting from participation in athletic/recreational activities, on or off premises, unless the employee reasonably expected, based on the employer's instruction, or policy, that such participation was a condition of employment or was required for promotion, increased compensation, or continued employment.*

2 Effective Date. This act shall take effect 60 days after its passage.

**SB 179-FN-L**, establishing a committee to study creating a New Hampshire local government records management improvement fund. **RE-REFER TO COMMITTEE**

Rep. Cynthia J. Dokmo for Municipal and County Government: The committee feels that the intent of this bill has merit, but that further study is warranted. Vote 13-3.

**SB 198-FN-L**, relative to the standard for granting of variances by zoning boards of adjustment from dimensional requirements. **INEXPEDIENT TO LEGISLATE**

Rep. Marilyn A. Fraser for Municipal and County Government: This bill eliminates the requirement of "unnecessary hardship" in the case of dimensional zoning variances, without providing any viable alternative. The proposed term "practical difficulty" would allow variances to be granted simply for the owner's convenience and would result in the gradual erosion of all dimensional standards. Vote 17-2.

**SB 173-FN**, relative to license and registration suspensions. **INEXPEDIENT TO LEGISLATE**  
Rep. Sherman A. Packard for Transportation: The subject matter in this bill is similar to the subject matter in SB 187 which the committee re-referred. The problem of court defaults (SB 187) and driving after revocation of license and or plates (SB 173-FN) are problems we plan to address. Vote 13-0.

### REGULAR CALENDAR

**SB 169-FN**, relative to a college tuition savings plan. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Clair A. Snyder for Education: This bill establishes the New Hampshire college tuition savings plan advisory commission which shall oversee the administration of such plan. It also sets forth criteria for participating in such plan. Interest and dividends from funds invested in the savings plan shall be exempt from the New Hampshire interest and dividends tax. The amendment addresses the issue of interest and dividends. These funds shall not be considered taxable income. Vote 13-2.

#### Amendment (1098h)

Amend the bill by replacing section 1 with the following:

1 New Section; College Tuition Savings Plan; Exempt From Interest and Dividends Tax. Amend RSA 77 by inserting after section 4-d the following new section:

77:4-e Interest and Dividends from Funds Invested in College Tuition Savings Plan Not Taxable. Notwithstanding any provision of RSA 77:4, interest and dividend income received from funds invested in the college tuition savings plan under RSA 195-H shall at no time be considered taxable income under RSA 77:4, either to the plan or to its sponsors, participants, or beneficiaries, if used in accordance with RSA 195-H.

Adopted.

Report adopted and referred to Finance.

**SB 205-FN-L**, establishing a special school district to provide special education for eligible inmates in the state prison system. **RE-REFER TO COMMITTEE**

Rep. Michael Marcinkowski for Education: The committee felt that insufficient information was available to determine the impact of this bill in terms of special education policy and its impact on required expenditures. In addition, prior passage of SB 155 requires the department of education to prepare and adopt a plan for special education services in the state prison and county correctional systems. Vote 13-4.

Adopted.

**SB 29**, establishing a pet overpopulation trust. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betty B. Hall for Environment and Agriculture: This bill establishes a dedicated fund to accept moneys to reimburse veterinarians for neutering animals. Animal population control fees shall be deposited in the fund which can also accept funds from private sources. Vote 16-0.

#### Amendment (1161h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing the companion animal neutering fund.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Companion Animal Neutering Fund Established. Amend RSA 437-A by inserting after section 4 the following new section:

437-A:4-a Fund Established; Solicitation and Acceptance of Funds.

I. There is hereby established the companion animal neutering fund. Any funds received by the commissioner under this chapter, RSA 466:4, I(c), and RSA 466:6, III shall be deposited in the fund and shall be used by the commissioner exclusively for implementation including veterinarian reimbursement, promotion, and other costs associated with the program. Moneys in the fund shall be continually appropriated to the commissioner. Interest earnings credited to the assets of the fund shall become part of the fund. Any balance remaining in the fund at the end of the fiscal year shall be carried forward to the fund for the next fiscal year.

II. The commissioner may solicit and accept funds from any public or private source to be used to carry out the provisions of this chapter. All such funds shall be deposited into the fund established under paragraph I.

2 New Paragraph; Definition Added. Amend RSA 437-A:1 by inserting after paragraph II the following new paragraph:

III. "Fund" means the companion animal neutering fund established in RSA 437-A:4-a.

3 New Paragraph; Rulemaking Added. Amend RSA 437-A:5 by inserting after paragraph II the following new paragraph:

II-a. Administration of the fund established under RSA 437-A:4-a.

4 Animal Population Control Fees. Amend RSA 466:4, I(c) to read as follows:

(c) The clerk shall remit all companion animal population control fees collected to the state treasurer along with the fees sent in accordance with RSA 466:9, provided that such companion animal population control fees shall be deposited into the ~~{general fund}~~ *companion animal neutering fund, established in RSA 437-A:4-a.*

5 Animal Population Control Fee. Amend RSA 466:6, III to read as follows:

III. The fee shall be \$20 for the group license, \$2 of which shall be remitted to the town clerk for deposit into the ~~{general}~~ *companion animal neutering fund, established in RSA 437-A:4-a,* as the companion animal population control fee, and \$18 shall be retained by the town or municipality.

6 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (ooo) the following new subparagraph:

(ppp) Moneys received under RSA 466:4, I(c), RSA 466:6, III, and RSA 437-A which shall be credited to the companion animal neutering fund, established in RSA 437-A:4-a.

7 Repeal. 1996, 152, relative to the budget for the animal population control program, is repealed.

#### AMENDED ANALYSIS

This bill establishes the companion animal neutering fund which shall be funded by the animal population control fees under RSA 466. The fund is continually appropriated to the commissioner of the department of agriculture, markets, and food and shall be used for the purposes of the animal population control program.

Adopted.

Report adopted and referred to Finance.

**SB 32**, relative to dogs at large. **OUGHT TO PASS WITH AMENDMENT**

Rep. William R. Phinney for Environment and Agriculture: This bill restructures RSA 466:31 II, a statute entitled "Dogs, a menace, a nuisance or vicious" and increases the penalty for third and subsequent offenses. Vote 14-2.

Rep. Melcher moved Recommit to Committee and spoke in favor.

Adopted.

**SB 53-FN**, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement. **RE-REFER TO COMMITTEE**  
Rep. Merton S. Dyer for Executive Departments and Administration: The intent of this bill is to include additional members of group II in the medical subtrust for group II employees. This bill would expand the group participation by changing the active date from June 30, 1988 to June 30, 1991. This would add 531 new members and also add 94 firefighters on disability retirement. The total cost would be \$10,540,000 and come from the special account. The special account has sufficient funds but the committee was concerned about the interplay between this bill for medical benefits and HB 751 which deals with spousal benefits for the same group and will also be terminally funded from the special account. HB 751 was re-referred for further study and the committee asks that this bill, SB 53-FN, be re-referred for further study of the implementation of this bill and how it interacts with HB 751. Vote 16-0.

Adopted.

Rep. Phinney declared a conflict of interest and did not participate.

**SB 34**, repealing laws relative to abortion. **MAJORITY: OUGHT TO PASS. MINORITY: INEX-  
PEDIENT TO LEGISLATE.**

Rep. Benjamin J. DePecol for the Majority of Judiciary and Family Law: This bill repeals three antiquated 1848 statutes dealing with abortion. All legal protections for patients and doctors remain in place. This is not an attempt to expand or limit any procedure, it is simply an act to eliminate three laws already deemed unconstitutional and three laws we do not use. Vote 13-7.

Rep. Kevin H. Smith for the Minority of Judiciary and Family Law: Passage of this bill causes grave consequences for the state of New Hampshire. Three major areas the minority of the committee is concerned with are: (1) there would no longer be any penalties against doctors who injure or harm a woman's life or health due to an abortion, thus giving women no action for recourse; (2) there is no longer any protection for post-viable fetuses, which Roe vs Wade clearly states there should be; (3) with abortionists now being able to perform any abortion at any time period, under any circumstance, New Hampshire could conceivably become the abortion mecca of the country. New Hampshire cannot afford to pass this extreme measure.

Reps. Kevin Smith and Luebker spoke against.

Reps. DePecol and Kears spoke in favor and yielded to questions.

Reps. Dolan, Letendre and Root spoke against and yielded to questions.

Rep. Woods spoke in favor.

### MOTION TO LAY ON THE TABLE

Rep. Flora moved that **SB 34**, repealing laws relative to abortion, be laid on the table.

Rep. Burling requested a roll call; sufficiently seconded.

### YEAS 122 NAYS 228

#### YEAS 122

#### BELKNAP

Boriso, Thomas  
Hurt, George  
Rosen, Ralph

Boyce, Robert  
Lafam, Robert  
Thomas, John

Clark, Charles  
Lawton, David

Golden, Paul  
Rice, Thomas, Jr.

#### CARROLL

Kenney, Joseph

Lyman, L. Randy

MacDonald, Kenneth

Mock, Henry

#### CHESHIRE

Doucette, Richard

Manning, Joseph

McNamara, Wanda

Pratt, John

#### COOS

Coulombe, Yvonne

Pratt, Leighton

St. Hilaire, Paul

Tholl, John, Jr.

#### GRAFTON

Akins, Ralph  
MacNeil, Allen

Chase, Paul, Jr.  
Mirski, Paul

Cobbin, Philip  
Root, John

Guaraldi, Lawrence  
Weber, Phil

#### HILLSBOROUGH

Ameen, W.  
Chabot, Robert  
Desrosiers, William  
Goulet, Maurice  
Holley, Sylvia  
Lessard, Rudy  
McDonald, James, Sr.  
O'Hearn, Jane  
Searles, Stanley, Sr.  
Wright, George

Brundige, Robert  
Christiansen, Lars  
Dwyer, Paul, Sr.  
Haley, Robert  
Jean, Claudette  
Letendre, Evelyn  
McGough, Tim  
Pepino, Leo  
Turgeon, Roland

Burke, M. Virginia  
Clegg, Robert, Jr.  
Flora, Kathleen  
Hansen, Herbert  
Jean, Loren  
Luebker, Bernard  
Milligan, Robert  
Reidy, Frank  
Wheeler, Robert

Calawa, Leon, Jr.  
Daniels, Gary  
Golding, William  
Herman, Keith  
Lefebvre, Roland  
McCarty, Winston  
Murch, George  
Riley, Frances  
White, Donald

#### MERRIMACK

Adams, Stephen  
Colburn, Thomas  
Larrabee, David  
Whittemore, James

Anderson, Eric  
Crowell, Peter  
Lavoie, Gerard

Brown, Mary  
Hoadley, Elizabeth  
Pfaff, Terence

Chandler, Earle  
Krueger, Patricia  
Whalley, Michael

**ROCKINGHAM**

|                    |                     |                      |                 |
|--------------------|---------------------|----------------------|-----------------|
| Arndt, Janet       | Belanger, Ronald    | Camm, Kevin          | Cooney, Richard |
| Cote, Patricia     | Dearborn, Bruce     | Dodge, Robert        | Dolan, Richard  |
| Downing, Michael   | Dunham, Vivian      | Felch, Charles, Sr.  | Fesh, Robert    |
| Flanagan, Natalie  | Flanders, David     | Griffin, Mary        | Guthrie, Joseph |
| Henderson, Warren  | Katsakiores, George | Katsakiores, Phyllis | Langley, Jane   |
| Letourneau, Robert | McCarthy, John, Jr. | Mikowski, Walter     | Millard, Ralph  |
| Moore, Benjamin    | Morris, Debbie      | Nowe, Ronald         | Noyes, Richard  |
| Packard, Sherman   | Reardon, Neil       | Smith, Kevin         | Stickney, Nancy |
| Stritch, C. Donald | Varrell, Thomas     | Welch, David         |                 |

**STRAFFORD**

|                |                  |                      |                  |
|----------------|------------------|----------------------|------------------|
| Berube, Roger  | Callaghan, Frank | McCann, William, Jr. | McKinley, Robert |
| Spear, Barbara | Twardus, Joseph  |                      |                  |

**SULLIVAN**

Leone, Richard

**NAYS 228****BELKNAP**

|                  |                  |                |                    |
|------------------|------------------|----------------|--------------------|
| Bartlett, Gordon | Holbrook, Robert | Pilliod, James | Salatiello, Thomas |
| Turner, Robert   | Veazey, John     | Ziegra, Alice  |                    |

**CARROLL**

|                        |                |                 |                |
|------------------------|----------------|-----------------|----------------|
| Babson, David, Jr.     | Bradley, Jeb   | Chandler, Gene  | Cooper, Kipp   |
| Dickinson, Howard, Jr. | Foster, Robert | Howard, Godfrey | Patten, Betsey |
| Philbrick, Donald      |                |                 |                |

**CHESHIRE**

|                     |                |                    |                    |
|---------------------|----------------|--------------------|--------------------|
| Avery, Stephen      | Bonneau, Sarah | Burnham, Daniel    | Champagne, Richard |
| DePecol, Benjamin   | Hunt, John     | Lynch, Margaret    | Lynott, Margaret   |
| McGuirk, Paul       | Meador, David  | Metzger, Katherine | Pratt, Irene       |
| Richardson, Barbara | Riley, William | Robertson, Timothy | Royce, H. Charles  |
| Russell, Ronald     | Smith, Edwin   | Vogl, John         |                    |

**COOS**

|                  |                 |                 |                 |
|------------------|-----------------|-----------------|-----------------|
| Bradley, Paula   | Coulombe, Henry | Davis, Perley   | Guay, Lawrence  |
| Hawkinson, Marie | Horton, Lynn    | Merrill, Gerald | Moynihan, Wayne |

**GRAFTON**

|                    |                    |                        |                  |
|--------------------|--------------------|------------------------|------------------|
| Almy, Susan        | Below, Clifton     | Brown, Channing        | Connolly, Steven |
| Copenhaver, Marion | Eaton, Stephanie   | Ham, Bonnie            | Hill, Richard    |
| LaMott, Paul       | Lovett, Sidney     | Luker, Elsa            | Nordgren, Sharon |
| Phinney, William   | Teschner, Douglass | Williams, William, Jr. |                  |

**HILLSBOROUGH**

|                     |                        |                         |                            |
|---------------------|------------------------|-------------------------|----------------------------|
| Ackerman, Philip    | Allen, W. Gordon       | Alukonis, David         | Amidon, Eleanor            |
| Arnold, Thomas, Jr. | Asselin, Robert        | Barry, William, III     | Batula, Peter              |
| Belvin, William     | Bergin, Peter          | Bernier, Shannon        | Briefs, Geoffrey           |
| Cardin, Lori        | Carlson, Donald        | Carney, Lauren          | Clay, Susan                |
| Clemons, Jane       | Cote, David            | Cote, Peter             | Daigle, Robert             |
| Dawe, Eileen        | Dokmo, Cynthia         | Drabinowicz, A. Theresa | Durham, Susan              |
| Dyer, Merton        | Emerton, Lawrence, Sr. | Fenton, James           | Ferguson, Charles          |
| Fields, Dennis      | Foster, Joseph         | Foster, Linda           | Franks, Suzan              |
| Gage, Ruth          | Ginsburg, Ruth         | Gosselin, Gerald        | Haettenschwiller, Alphonse |
| Hall, Betty         | Hart, Nick             | Healy, Daniel           | Holt, David                |
| Johnson, Lionel     | Kurk, Neal             | L'Heureux, Robert       | LaRose, Richard            |

Leishman, Peter  
MacAuslan, Rita  
Melcher, Harold  
Murphy, Robert  
Piteri, Dawn  
Welch, Donald

Leonard, Peter  
MacGillivray, Jeffrey  
Mercer, Robert  
O'Rourke, Thomas  
Sargent, Maxwell  
Williams, Carol

Lozeau, Donnalee  
MacIntyre, Doris  
Messier, Irene  
Perkins, Paul  
Thulander, O. Alan

Lynde, Harold  
McRae, Karen  
Mittelman, David  
Peterson, Andrew  
Vaillancourt, Steve

### MERRIMACK

Crosby, Toni  
Feuerstein, Martin  
Hager, Elizabeth  
Langer, Ray  
Moore, Carol  
St. Cyr, Gerard

Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Lockwood, Robert  
Owen, Derek  
Wallin, Jean

DeStefano, Stephen  
French, Barbara  
Jacobson, Alf  
Marshall, Kenneth  
Reardon, Tara  
Wallner, Mary Jane

Dunn, Miriam  
Gile, Mary  
Lamach, Bernard  
Maxfield, Roy  
Rogers, Katherine  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Blanchard, MaryAnn  
Cushing, Robert  
Francoeur, Sheila  
Hutchinson, Rebecca  
Klemm, Arthur, Jr.  
Major, Norman  
Micklon, Stephanie  
Raynowska, Bernard  
Simmons, John Anthony  
Vaughn, Charles

Aranda, M. Kathryn  
Cegelis, Mark  
Dowling, Patricia  
Frechette, Joseph  
Johnson, Robert  
Kobel, Rudolph  
Malcolm, Kenneth  
Norelli, Terie  
Rubin, George  
Stone, Joseph  
Verani, Giovanni

Beaulieu, Jon  
Clark, Martha  
Dube, LeRoy  
Gleason, John  
Kane, Cecelia  
Langone, John  
McGovern, Cynthia  
O'Keefe, Patricia  
Sabella, Norma  
Syracusa, Anthony  
Weyler, Kenneth

Bishop, Franklin  
Coes, Betsy  
Flanders, John, Sr.  
Heath, John  
Kelley, Jane  
Lovejoy, Marian  
McKinney, Betsy  
Pantelakos, Laura  
Schanda, Frank  
Tufts, J. Arthur  
Woods, Deborah

### STRAFFORD

Bickford, David  
Dunlap, Patricia  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Tsiros, William

Brennan, William  
Estabrook, Iris  
Lundborn, Raymond  
Rogers, Rose Marie  
Taylor, Kathleen  
Vachon, Dennis

Brown, George  
Kaen, Naida  
Merrill, Amanda  
Rollo, Michael  
Torr, Ann  
Vincent, Francis

Brown, Julie  
Keans, Sandra  
Merritt, Deborah  
Smith, Marjorie  
Torr, Franklin  
Wall, Janet

### SULLIVAN

Adler, Rudolf  
Donovan, Thomas  
Lindblade, Eric

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Schotanus, Merle

Cloutier, John  
Kibbey, David  
Wiggins, Celestine

and the motion failed.

The question now being the adoption of the majority report.

Rep. Luebke requested a roll call; sufficiently seconded.

**YEAS 206 NAYS 144**

**YEAS 206**

### BELKNAP

Bartlett, Gordon  
Turner, Robert

Pilliod, James  
Veazey, John

Salatiello, Thomas  
Ziegler, Alice

Thomas, John

### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert

Chandler, Gene  
MacDonald, Kenneth

Cooper, Kipp  
Patten, Betsey

**CHESHIRE**

|                   |                     |                    |                    |
|-------------------|---------------------|--------------------|--------------------|
| Avery, Stephen    | Bonneau, Sarah      | Burnham, Daniel    | Champagne, Richard |
| DePecol, Benjamin | Hunt, John          | Lynch, Margaret    | Lynott, Margaret   |
| McGuirk, Paul     | Meador, David       | Metzger, Katherine | Pratt, Irene       |
| Pratt, John       | Richardson, Barbara | Riley, William     | Robertson, Timothy |
| Russell, Ronald   | Vogl, John          |                    |                    |

**COOS**

|                 |                 |                  |              |
|-----------------|-----------------|------------------|--------------|
| Bradley, Paula  | Davis, Perley   | Hawkinson, Marie | Horton, Lynn |
| Merrill, Gerald | Moynihan, Wayne |                  |              |

**GRAFTON**

|                  |                    |                  |                  |
|------------------|--------------------|------------------|------------------|
| Akins, Ralph     | Almy, Susan        | Below, Clifton   | Brown, Channing  |
| Connolly, Steven | Copenhaver, Marion | Eaton, Stephanie | Ham, Bonnie      |
| Hill, Richard    | Lovett, Sidney     | Luker, Elsa      | Nordgren, Sharon |
| Phinney, William | Teschner, Douglass |                  |                  |

**HILLSBOROUGH**

|                            |                       |                     |                     |
|----------------------------|-----------------------|---------------------|---------------------|
| Ackerman, Philip           | Allen, W. Gordon      | Alukonis, David     | Ameen, W.           |
| Amidon, Eleanor            | Asselin, Robert       | Barry, William, III | Belvin, William     |
| Bergin, Peter              | Cardin, Lori          | Carlson, Donald     | Clay, Susan         |
| Clemons, Jane              | Cote, David           | Cote, Peter         | Daigle, Robert      |
| Dawe, Eileen               | Dokmo, Cynthia        | Durham, Susan       | Dyer, Merton        |
| Fenton, James              | Ferguson, Charles     | Foster, Joseph      | Foster, Linda       |
| Franks, Suzan              | Gage, Ruth            | Ginsburg, Ruth      | Golding, William    |
| Haettenschwiller, Alphonse | Hall, Betty           | Hart, Nick          | Healy, Daniel       |
| Holt, David                | Johnson, Lionel       | Kurk, Neal          | LaRose, Richard     |
| Leishman, Peter            | Leonard, Peter        | Lozeau, Donnalee    | Lynde, Harold       |
| MacAuslan, Rita            | MacGillivray, Jeffrey | MacIntyre, Doris    | McRae, Karen        |
| Melcher, Harold            | Mercer, Robert        | Messier, Irene      | Mittelman, David    |
| Murphy, Robert             | O'Hearn, Jane         | Perkins, Paul       | Peterson, Andrew    |
| Piteri, Dawn               | Sargent, Maxwell      | Thulander, O. Alan  | Vaillancourt, Steve |
| Williams, Carol            |                       |                     |                     |

**MERRIMACK**

|                   |                    |                 |                    |
|-------------------|--------------------|-----------------|--------------------|
| Anderson, Eric    | Chandler, Earle    | Crosby, Toni    | DeStefano, Stephen |
| Dunn, Miriam      | Feuerstein, Martin | Fraser, Marilyn | French, Barbara    |
| Gile, Mary        | Hager, Elizabeth   | Hess, David     | Hoadley, Elizabeth |
| Jacobson, Alf     | Lamach, Bernard    | Langer, Ray     | Lockwood, Robert   |
| Marshall, Kenneth | Maxfield, Roy      | Moore, Carol    | Owen, Derek        |
| Reardon, Tara     | Rogers, Katherine  | Wallin, Jean    | Wallner, Mary Jane |
| Whittemore, James | Yeaton, Charles    |                 |                    |

**ROCKINGHAM**

|                    |                    |                     |                   |
|--------------------|--------------------|---------------------|-------------------|
| Abbott, Dennis     | Aranda, M. Kathryn | Beaulieu, Jon       | Belanger, Ronald  |
| Blanchard, MaryAnn | Clark, Martha      | Coes, Betsy         | Cushing, Robert   |
| Dowling, Patricia  | Flanders, David    | Flanders, John, Sr. | Francoeur, Sheila |
| Frechette, Joseph  | Heath, John        | Hutchinson, Rebecca | Kane, Cecelia     |
| Kelley, Jane       | Klemm, Arthur, Jr. | Langone, John       | Major, Norman     |
| Malcolm, Kenneth   | McGovern, Cynthia  | Micklon, Stephanie  | Norelli, Terie    |
| Nowe, Ronald       | O'Keefe, Patricia  | Pantelakos, Laura   | Rubin, George     |
| Sabella, Norma     | Schanda, Frank     | Stone, Joseph       | Syracusa, Anthony |
| Tufts, J. Arthur   | Vaughn, Charles    | Verani, Giovanni    | Weyler, Kenneth   |
| Woods, Deborah     |                    |                     |                   |

**STRAFFORD**

|                    |                  |                  |                   |
|--------------------|------------------|------------------|-------------------|
| Bickford, David    | Brennan, William | Brown, Julie     | Dunlap, Patricia  |
| Estabrook, Iris    | Kaen, Naïda      | Keans, Sandra    | Knowles, William  |
| Lundborn, Raymond  | Merrill, Amanda  | Merritt, Deborah | Pelletier, Arthur |
| Rogers, Rose Marie | Rollo, Michael   | Smith, Marjorie  | Snyder, Clair     |
| Taylor, Kathleen   | Torr, Ann        | Torr, Franklin   | Tsiros, William   |
| Vachon, Dennis     | Vincent, Francis | Wall, Janet      |                   |

**SULLIVAN**

|                    |                 |                  |                  |
|--------------------|-----------------|------------------|------------------|
| Allison, David     | Burling, Peter  | Cloutier, John   | Flint, Gordon    |
| Kibbey, David      | Lindblade, Eric | Palmer, Lorraine | Schotanus, Merle |
| Wiggins, Celestine |                 |                  |                  |

**NAYS 144****BELKNAP**

|                   |               |                |               |
|-------------------|---------------|----------------|---------------|
| Boriso, Thomas    | Boyce, Robert | Clark, Charles | Golden, Paul  |
| Holbrook, Robert  | Hurt, George  | Laflam, Robert | Lawton, David |
| Rice, Thomas, Jr. | Rosen, Ralph  |                |               |

**CARROLL**

|                 |                |                 |             |
|-----------------|----------------|-----------------|-------------|
| Howard, Godfrey | Kenney, Joseph | Lyman, L. Randy | Mock, Henry |
|-----------------|----------------|-----------------|-------------|

**CHESHIRE**

|                   |                 |                 |                   |
|-------------------|-----------------|-----------------|-------------------|
| Doucette, Richard | Manning, Joseph | McNamara, Wanda | Royce, H. Charles |
| Smith, Edwin      |                 |                 |                   |

**COOS**

|                   |                  |                |                 |
|-------------------|------------------|----------------|-----------------|
| Coulombe, Henry   | Coulombe, Yvonne | Guay, Lawrence | Pratt, Leighton |
| St. Hilaire, Paul | Tholl, John, Jr. |                |                 |

**GRAFTON**

|                        |                |                    |              |
|------------------------|----------------|--------------------|--------------|
| Chase, Paul, Jr.       | Cobbin, Philip | Guaraldi, Lawrence | LaMott, Paul |
| MacNeil, Allen         | Mirski, Paul   | Root, John         | Weber, Phil  |
| Williams, William, Jr. |                |                    |              |

**HILLSBOROUGH**

|                       |                         |                    |                        |
|-----------------------|-------------------------|--------------------|------------------------|
| Arnold, Thomas, Jr.   | Batula, Peter           | Bernier, Shannon   | Briefs, Geoffrey       |
| Brundige, Robert      | Burke, M. Virginia      | Calawa, Leon, Jr.  | Carney, Lauren         |
| Chabot, Robert        | Christiansen, Lars      | Clegg, Robert, Jr. | Daniels, Gary          |
| Desrosiers, William   | Drabinowicz, A. Theresa | Dwyer, Paul, Sr.   | Emerton, Lawrence, Sr. |
| Fields, Dennis        | Flora, Kathleen         | Gosselin, Gerald   | Goulet, Maurice        |
| Haley, Robert         | Hansen, Herbert         | Herman, Keith      | Holley, Sylvia         |
| Jean, Claudette       | Jean, Loren             | L'Heureux, Robert  | Lefebvre, Roland       |
| Lessard, Rudy         | Letendre, Evelyn        | Luebckert, Bernard | McCarty, Winston       |
| McDonald, James, Sr.  | McGough, Tim            | Milligan, Robert   | Murch, George          |
| O'Rourke, Thomas      | Pepino, Leo             | Reidy, Frank       | Riley, Frances         |
| Searles, Stanley, Sr. | Turgeon, Roland         | Welch, Donald      | Wheeler, Robert        |
| White, Donald         | Wright, George          |                    |                        |

**MERRIMACK**

|                   |                   |                  |                |
|-------------------|-------------------|------------------|----------------|
| Adams, Stephen    | Brown, Mary       | Colburn, Thomas  | Crowell, Peter |
| Daneault, Gabriel | Krueger, Patricia | Larrabee, David  | Lavoie, Gerard |
| Pfaff, Terence    | St. Cyr, Gerard   | Whalley, Michael |                |

**ROCKINGHAM**

|                 |                  |                 |               |
|-----------------|------------------|-----------------|---------------|
| Arndt, Janet    | Bishop, Franklin | Camm, Kevin     | Cegelis, Mark |
| Cooney, Richard | Cote, Patricia   | Dearborn, Bruce | Dodge, Robert |

Dolan, Richard  
 Felch, Charles, Sr.  
 Griffin, Mary  
 Katsakiores, George  
 Letourneau, Robert  
 Mikowski, Walter  
 Noyes, Richard  
 Simmons, John Anthony  
 Varrell, Thomas

Downing, Michael  
 Fesh, Robert  
 Guthrie, Joseph  
 Katsakiores, Phyllis  
 Lovejoy, Marian  
 Millard, Ralph  
 Packard, Sherman  
 Smith, Kevin  
 Welch, David

Dube, LeRoy  
 Flanagan, Natalie  
 Henderson, Warren  
 Kobel, Rudolph  
 McCarthy, John, Jr.  
 Moore, Benjamin  
 Raynowska, Bernard  
 Stickney, Nancy

Dunham, Vivian  
 Gleason, John  
 Johnson, Robert  
 Langley, Jane  
 McKinney, Betsy  
 Morris, Debbie  
 Reardon, Neil  
 Stritch, C. Donald

### STRAFFORD

Berube, Roger  
 McKinley, Robert

Brown, George  
 Spear, Barbara

Callaghan, Frank  
 Twardus, Joseph

McCann, William, Jr.

### SULLIVAN

Adler, Rudolf

Donovan, Thomas

Ferland, Brenda

Leone, Richard

and the majority report was adopted.

Ordered to third reading.

Rep. Healy voted yea and intended to vote nay.

Rep. Hunter did not vote and wished to be recorded against.

Rep. Carson wished to be recorded against.

### PROTESTS

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Flora requested that her protest and those of the undersigned members, be entered on the Journal.

We, the undersigned, vehemently oppose the action taken by the New Hampshire House of Representatives this day on Senate Bill 34, a bill to repeal three statutes relative to abortion. We believe that the repeal of all abortion laws without a judicious analysis of their implications does a grave injustice to the citizens of New Hampshire. This action leaves women without any recourse or support of law should an abortion procedure fail. It relegates their unborn children to the dustbin, as if this were, as was testified by one House member before the committee, "a simple housekeeping measure."

Since the repeal of these laws will have virtually no effect on the practice of abortion in our state, the repeal is the worst kind of legislation. It is an extremist measure with the sole purpose of symbolically granting women the extraordinary right to determine life or death over any child carried up to and until the moment of delivery. Not even the Supreme Court of the United States, in Roe vs. Wade, dared to go that far in washing it's hands of the responsibility for the protection of human life.

Therefore, it is with deep regret that we stand as members of this fine body in protest of the action taken today. We wish now to go on record in support of the voice of the majority of New Hampshire citizens who stand for the sacredness of life.

Mary E. Brown  
 Gary L. Daniels  
 L. Randy Lyman  
 Patricia Krueger  
 Roger R. Berube  
 Paul J. Dwyer  
 Roland M. Turgeon  
 Walter J. Mikowski  
 Loren J. Jean  
 Tim S. McGough  
 Yvonne Coulombe  
 Peter O. Crowell  
 Bernard J. Luebker

Donald B. White  
 John E. Tholl, Jr.  
 Thomas M. Colburn  
 Stephen J. Adams  
 Leo P. Pepino  
 Nancy C. Stickney  
 Frank D. Callaghan  
 Neil J. Reardon  
 Paul M. Mirski  
 Mary E. Griffin  
 Frances L. Riley  
 John M. Root  
 Roland J. Lefebvre

M. Virginia Burke  
 Maurice E. Goulet  
 Kathleen A. Colburn  
 Robert K. Boyce  
 Phil A. Weber  
 Debbie L. Morris  
 Paul K. Chase, Jr.  
 Paul E. St. Hilaire  
 Kathleen M. Flora  
 Richard Noyes  
 Kevin H. Smith  
 George D. Murch, III  
 Robert J. Letourneau

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Cobbin requested that his protest be entered on the Journal.

In addition to adopting the above protest by reference, I enter the following. Roe vs. Wade was illegitimate legislating from the bench in 1973, it is so now. The Constitution of this state predates the federal Constitution and as such, our state's rights and the rights of our people to sanction abortion through acts of this legislative body. This state's laws raise the issue of Roe vs. Wade as vulnerable to attack on 10<sup>th</sup> amendment grounds. Abortionists seek to steal our heritage by lulling this legislature to slumber.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Hart moved that the House reconsider its action whereby it ordered to third reading **SB 34**, repealing laws relative to abortion.

Rep. Hart spoke against.

Reconsideration failed.

### REGULAR CALENDAR (CONT'D.)

**SB 177-FN**, relative to the liability of prospective adoptive parents for court ordered services. **OUGHT TO PASS**

Rep. Kevin H. Smith for Judiciary and Family Law: This bill furthers the state goal of encouraging adoption of children in the custody of the state by ensuring some continuing financial support if these at-risk children subsequently require certain services. Vote 10-8.

Adopted and referred to Finance.

**SB 217**, relative to control of accessory uses on private land, including aircraft takeoffs and landings. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert A. Lockwood for the Majority of Municipal and County Government: This bill repeals, from the time of its effective date until June 1, 1998, then reenacts a law passed last year (HB 1156, Chapter 218) that automatically allows aircraft takeoffs and landings on private land as an accessory use in all municipalities, unless specifically prohibited by local ordinances. Traditionally, accessory uses are specifically defined by local planning boards and approved by the voters in each municipality before they are allowed. The majority believes this bill is necessary to allow time for all communities to make their own local control decisions before the state mandates permanent local zoning decisions. Passage of HB 217 will return the option of local control to municipalities until June 1, 1998. After that, the original language of Chapter 218 will apply to privately owned airstrips. The need for a moratorium was occasioned by confusion in some communities regarding authority of the municipalities to exercise takeoffs and landings on privately owned airstrips. Vote 11-6.

Reps. Joseph E. Stone, Paul A. McGuirk, Marilyn A. Fraser, and Thomas E. P. Rice Jr. for the Minority of Municipal and County Government: Several times, citizens in Brentwood who are abutters have asked for town zoning to prohibit property from being used for aircraft landings and takeoffs. As recently as March 11, 1997, by a vote of 480 to 276, the town of Brentwood voted to reject a citizen petition to specifically prohibit the aircraft landings and takeoffs. Judge Patricia Coffey of the Rockingham County Superior Court ruled that a petition for injunction against the airstrip operation presented no evidence which would allow the court to invalidate the statute under the taking clause. Now these same citizens are asking us as legislators to overturn the vote of the majority. We feel this in an improper action for us to take.

Rep. McGuirk spoke against.

Reps. Dokmo and Lockwood spoke in favor and yielded to questions.

Reps. Stone and Weyler spoke against and yielded to questions.

Rep. Salatiello spoke in favor.

On a division vote, 114 members having voted in the affirmative and 223 in the negative, the majority report failed.

Rep. McGuirk moved Inexpedient to Legislate.

Adopted.

**SB 37**, relative to line items at town and school district meetings. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Municipal and County Government: It causes great concern to see this type of bill proposed as a "one size fits all" solution to issues which should be addressed at a local level. In an era when we are attempting to initiate home rule, it would appear that this is one more item that should be addressed on a community by community basis. Vote 18-1.

Rep. Alger spoke against and yielded to questions.

Rep. Christiansen spoke against.

Rep. Stone spoke in favor and yielded to questions.

On a division vote, 270 members having voted in the affirmative and 43 in the negative, the report was adopted.

**SB 62**, authorizing the governing bodies of towns which have not adopted the official ballot referendum form of meeting, but which are in school districts which have adopted the official ballot referendum form of meeting, to move the election day of the 1997 and 1998 annual meetings of those towns to April 8, 1997, and April 14, 1998, respectively. RE-REFER TO COMMITTEE

Rep. Betsey L. Patten for Municipal and County Government: The committee is currently studying the implementation process of the official ballot. The voting day in the "SB 2" towns and school districts changed from the traditional voting day of the second Tuesday of March to the second Tuesday in April. SB 62 addressed that difference by allowing the governing bodies of towns that had not adopted official ballot but were "SB 2" school districts to move the election day of those towns to the second Tuesday of April. Our committee went out to fifteen SB 2 communities on April 8<sup>th</sup> to listen to voter opinions and will be holding some informational meetings in some of those locations to gather more opinions of the process. The committee wanted that input prior to making this decision, hence the motion to Re-refer. Vote 16-1.

Rep. Burke spoke against and yielded to questions.

Rep. Patten spoke in favor and yielded to questions.

Reps. Alger and Donald White spoke against.

Rep. McGuirk spoke in favor.

Rep. Burke requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 222 NAYS 98

### YEAS 222

#### BELKNAP

Bartlett, Gordon  
Pilliod, James

Golden, Paul  
Salatiello, Thomas

Hurt, George  
Turner, Robert

Lawton, David  
Ziegra, Alice

#### CARROLL

Bradley, Jeb  
Foster, Robert  
Patten, Betsey

Chandler, Gene  
Howard, Godfrey  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

Dickinson, Howard, Jr.  
MacDonald, Kenneth

#### CHESHIRE

Avery, Stephen  
Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Royce, H. Charles

Bonneau, Sarah  
Hunt, John  
Meader, David  
Richardson, Barbara  
Russell, Ronald

Burnham, Daniel  
Lynch, Margaret  
Metzger, Katherine  
Riley, William  
Smith, Edwin

DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy  
Vogl, John

#### COOS

Bradley, Paula  
Hawkinson, Marie  
Pratt, Leighton

Coulombe, Yvonne  
Horton, Lynn

Davis, Perley  
Merrill, Gerald

Guay, Lawrence  
Moynihan, Wayne

#### GRAFTON

Almy, Susan  
Connolly, Steven  
Hill, Richard  
Williams, William, Jr.

Below, Clifton  
Copenhaver, Marion  
LaMott, Paul

Brown, Channing  
Eaton, Stephanie  
Lovett, Sidney

Chase, Paul, Jr.  
Guaraldi, Lawrence  
Nordgren, Sharon

**HILLSBOROUGH**

|                       |                    |                         |                   |
|-----------------------|--------------------|-------------------------|-------------------|
| Allen, W. Gordon      | Ameen, W.          | Amidon, Eleanor         | Asselin, Robert   |
| Baroody, Benjamin     | Batula, Peter      | Belvin, William         | Bernier, Shannon  |
| Brundige, Robert      | Calawa, Leon, Jr.  | Cardin, Lori            | Chabot, Robert    |
| Clay, Susan           | Clemons, Jane      | Cote, David             | Cote, Peter       |
| Daigle, Robert        | Dokmo, Cynthia     | Drabinowicz, A. Theresa | Durham, Susan     |
| Dwyer, Paul, Sr.      | Dyer, Merton       | Emerton, Lawrence, Sr.  | Ferguson, Charles |
| Fields, Dennis        | Foster, Joseph     | Foster, Linda           | Franks, Suzan     |
| Gage, Ruth            | Ginsburg, Ruth     | Gosselin, Gerald        | Hall, Betty       |
| Hansen, Herbert       | Hart, Nick         | Healy, Daniel           | Herman, Keith     |
| Holt, David           | Jean, Claudette    | Johnson, Lionel         | Kurk, Neal        |
| L'Heureux, Robert     | LaRose, Richard    | Leishman, Peter         | Leonard, Peter    |
| Lozeau, Donnalee      | Lynde, Harold      | MacAuslan, Rita         | MacIntyre, Doris  |
| McDonald, James, Sr.  | Mercer, Robert     | Milligan, Robert        | Murphy, Robert    |
| O'Hearn, Jane         | O'Rourke, Thomas   | Peterson, Andrew        | Sargent, Maxwell  |
| Searles, Stanley, Sr. | Thulander, O. Alan | Turgeon, Roland         | Welch, Donald     |
| Wheeler, Robert       | Williams, Carol    |                         |                   |

**MERRIMACK**

|                    |                    |                    |                   |
|--------------------|--------------------|--------------------|-------------------|
| Anderson, Eric     | Chandler, Earle    | Crosby, Toni       | Daneault, Gabriel |
| DeStefano, Stephen | Dunn, Miriam       | Feuerstein, Martin | Fraser, Marilyn   |
| French, Barbara    | Gile, Mary         | Hess, David        | Lockwood, Robert  |
| Marshall, Kenneth  | Moore, Carol       | Owen, Derek        | Reardon, Tara     |
| St. Cyr, Gerard    | Wallner, Mary Jane | Whalley, Michael   | Whittemore, James |
| Yeaton, Charles    |                    |                    |                   |

**ROCKINGHAM**

|                    |                     |                     |                       |
|--------------------|---------------------|---------------------|-----------------------|
| Abbott, Dennis     | Bishop, Franklin    | Blanchard, MaryAnn  | Clark, Martha         |
| Coes, Betsy        | Cote, Patricia      | Cushing, Robert     | Downing, Michael      |
| Dube, LeRoy        | Felch, Charles, Sr. | Fesh, Robert        | Flanagan, Natalie     |
| Flanders, David    | Flanders, John, Sr. | Francoeur, Sheila   | Gleason, John         |
| Griffin, Mary      | Heath, John         | Henderson, Warren   | Hutchinson, Rebecca   |
| Johnson, Robert    | Kane, Cecelia       | Katsakiores, George | Katsakiores, Phyllis  |
| Kelley, Jane       | Klemm, Arthur, Jr.  | Kobel, Rudolph      | Langone, John         |
| Lovejoy, Marian    | Major, Norman       | McGovern, Cynthia   | Moore, Benjamin       |
| Norelli, Terie     | Noyes, Richard      | O'Keefe, Patricia   | Packard, Sherman      |
| Raynowska, Bernard | Sabella, Norma      | Schanda, Frank      | Simmons, John Anthony |
| Tufts, J. Arthur   | Varrell, Thomas     | Vaughn, Charles     | Welch, David          |
| Woods, Deborah     |                     |                     |                       |

**STRAFFORD**

|                      |                 |                   |                    |
|----------------------|-----------------|-------------------|--------------------|
| Brennan, William     | Brown, Julie    | Dunlap, Patricia  | Estabrook, Iris    |
| Hemon, Roland        | Keans, Sandra   | Knowles, William  | Lundborn, Raymond  |
| McCann, William, Jr. | Merrill, Amanda | Pelletier, Arthur | Rogers, Rose Marie |
| Rollo, Michael       | Smith, Marjorie | Snyder, Clair     | Spear, Barbara     |
| Taylor, Kathleen     | Torr, Ann       | Torr, Franklin    | Tsiros, William    |
| Twardus, Joseph      | Vachon, Dennis  | Wall, Janet       |                    |

**SULLIVAN**

|                  |                  |                    |                 |
|------------------|------------------|--------------------|-----------------|
| Adler, Rudolf    | Allison, David   | Cloutier, John     | Donovan, Thomas |
| Ferland, Brenda  | Flint, Gordon    | Kibbey, David      | Leone, Richard  |
| Palmer, Lorraine | Schotanus, Merle | Wiggins, Celestine |                 |

**NAYS 98****BELKNAP**

|                |                   |                |                  |
|----------------|-------------------|----------------|------------------|
| Boriso, Thomas | Boyce, Robert     | Clark, Charles | Holbrook, Robert |
| Laflam, Robert | Rice, Thomas, Jr. | Rosen, Ralph   | Veazey, John     |

**CARROLL**

Babson, David, Jr.                      Kenney, Joseph

**CHESHIRE**

McNamara, Wanda

**COOS**

Coulombe, Henry                      St. Hilaire, Paul                      Tholl, John, Jr.

**GRAFTON**

Akins, Ralph                      Alger, John                      Cobbin, Philip                      Ham, Bonnie  
Mirski, Paul                      Phinney, William                      Root, John

**HILLSBOROUGH**

|                   |                       |                     |                     |
|-------------------|-----------------------|---------------------|---------------------|
| Ackerman, Philip  | Alukonis, David       | Arnold, Thomas, Jr. | Bergin, Peter       |
| Briefs, Geoffrey  | Burke, M. Virginia    | Carlson, Donald     | Clegg, Robert, Jr.  |
| Daniels, Gary     | Dawe, Eileen          | Fenton, James       | Flora, Kathleen     |
| Golding, William  | Goulet, Maurice       | Holley, Sylvia      | Hunter, Bruce       |
| Jean, Loren       | Lefebvre, Roland      | Lessard, Rudy       | Letendre, Evelyn    |
| Luebkert, Bernard | MacGillivray, Jeffrey | McCarty, Winston    | McGough, Tim        |
| McRae, Karen      | Messier, Irene        | Murch, George       | Pepino, Leo         |
| Perkins, Paul     | Reidy, Frank          | Riley, Frances      | Vaillancourt, Steve |
| White, Donald     | Wright, George        |                     |                     |

**MERRIMACK**

|                 |                   |                 |                |
|-----------------|-------------------|-----------------|----------------|
| Adams, Stephen  | Brown, Mary       | Colburn, Thomas | Crowell, Peter |
| Jacobson, Alf   | Krueger, Patricia | Lamach, Bernard | Langer, Ray    |
| Larrabee, David | Lavoie, Gerard    | Pfaff, Terence  |                |

**ROCKINGHAM**

|                    |                       |                    |                   |
|--------------------|-----------------------|--------------------|-------------------|
| Aranda, M. Kathryn | Arndt, Janet          | Beaulieu, Jon      | Belanger, Ronald  |
| Camm, Kevin        | Christie, Andrew, Jr. | Cooney, Richard    | Dodge, Robert     |
| Dolan, Richard     | Dowling, Patricia     | Dunham, Vivian     | Frechette, Joseph |
| Guthrie, Joseph    | Langley, Jane         | Letourneau, Robert | Malcolm, Kenneth  |
| McKinney, Betsy    | Micklon, Stephanie    | Mikowski, Walter   | Millard, Ralph    |
| Morris, Debbie     | Nowe, Ronald          | Reardon, Neil      | Rubin, George     |
| Smith, Kevin       | Stickney, Nancy       | Stritch, C. Donald | Verani, Giovanni  |
| Weyler, Kenneth    |                       |                    |                   |

**STRAFFORD**

Kaen, Naida                      McKinley, Robert

**SULLIVAN**

Lindblade, Eric

and the report was adopted.

**SB 180-FN-A**, relative to the maintenance, enhancement and rehabilitation of local rural airport service and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Robert H. Milligan for Transportation: This bill establishes a fund to be known as the Rural Airport Capital Revolving Loan Fund. It shall be used to provide loans to enhance and rehabilitate all non-commercial service airports open to the public. A lien on the improved property shall be created in favor of the state in an amount which equals the sum of principal and interest to be repaid by the owner or sponsor of the rural airport. Vote 13-1.

**Amendment (1202h)**

Amend RSA 423:11, I as inserted by section 2 of the bill by replacing it with the following:

I. There is hereby established in the state a fund to be known as the rural airport capital revolving loan fund. The fund shall be used to provide loans to enhance and rehabilitate all non-

commercial service airports open to the public in towns with populations of 14,000 or less. Loans to airports from this fund shall be subject to the approval of the governor and council.  
 Rep. Packard spoke against and yielded to questions.  
 The amendment failed.  
 Rep. Packard offered a floor amendment.

### Floor Amendment (1239h)

Amend RSA 423:11, I as inserted by section 2 of the bill by replacing it with the following:

I. There is hereby established in the state a fund to be known as the rural airport capital revolving loan fund. The fund shall be used to provide loans to enhance and rehabilitate all non-commercial service airports open to the public in municipalities with populations of 14,000 or less. Loans to airports from this fund shall be subject to the approval of the governor and council.  
 Rep. Packard spoke in favor.  
 Adopted.  
 Report adopted and referred to Finance.

### RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 14, 1997 at 1:00 p.m.  
 Adopted.

### LATE SESSION

#### Third reading and final passage

*SJR 2*, relative to federal funding under the Individuals with Disabilities Education Act.  
*SB 30*, relative to time of dog licensure.  
*SB 31*, relative to rabies certificates.  
*SB 60-FN*, excluding claims against New Hampshire hospital which are under \$500 from the jurisdiction of the state board of claims.  
*SB 146*, establishing a committee to study the issue of reducing the number of years of service required to be vested in the retirement system plan from 10 years to 5 years.  
*SB 167*, relative to the regulation of naturopathic practitioners.  
*SB 159*, establishing a committee to study increased public access to data concerning physicians and persons certified or registered under RSA 330-A.  
*SB 194*, relative to the age of child day care providers homes, and allowing school districts to transport school-age children between schools and before-and-after-school programs.  
*SB 21*, excepting persons who are 17 years old and graduated from high school from the youth employment law.  
*SB 38*, relative to certain activities under the workers' compensation law.  
*SB 34*, repealing laws relative to abortion.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.  
 Adopted.  
 The House recessed at 4:25 p.m.

### RECESS

(Rep. David Welch in the Chair)

### RESOLUTION

Its introduction having been approved by the Rules Committee:  
 Rep. Lyman offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 812, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.  
 Adopted.

**INTRODUCTION OF HOUSE BILL**

**First, second reading and referral**

**HB 812**, relative to the Melendy Pond authority of Brookline, New Hampshire (Arnold, Hills 20; Hall, Hills 20: Municipal and County Government)

RECESS

**(Rep. Rubin in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 332, 343, 540 and 713 and Senate Bills numbered 76, 152 and SJR 1.  
Rep. Nowe, Sen. Barnes for the Committee

RECESS

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.  
Adopted.

## HOUSE JOURNAL No. 20

Wednesday, May 14, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Almighty and everlasting God, in whom we live and move and have our being, who has created us for Yourself, so that our hearts are restless 'til they find their rest in You: grant unto us purity of heart and strength of purpose, so that no selfish passion may hinder us from knowing Your will, and no weakness from doing it. In Your light may we see life clearly, and in Your service find perfect freedom. Amen.

Rep. Avery led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Battles-Peirce, Julie Brown, Chase, Feng, Gibbons, Healy, L'Heureux, O'Connell, Seldin and Paul Taylor, the day, illness.

Reps. Adams, Arndt, Christie, Fuller Clark, Kathleen Colburn, Golden, Haettenschwiller, Langer, David Lawton, Lynott, William McCarthy, Mears, Morris, Marsha Pelletier, O'Keefe, Schotanus, Thomas, Verani and Weatherspoon, the day, important business.

Rep. Steere, the day, death in the family.

Reps. Boriso and Morrill, the day, illness in the family.

### INTRODUCTION OF GUESTS

Grace Sullivan, Liz Conners, Anne Caliri, Gertrude Lauren, Arlene Tuso and Martin Griffin, guests of Rep. Micklon. Laurene Duprey, guest of Rep. Herman. Corinne Paquette, guest of Rep. Carol Williams. Julia Mikowski, daughter of Rep. Mikowski. Richard Belser and Rosanne Beauvillage, guests of Rep. Avery. Sue Ellen Leugers, guest of Rep. Burling. Elaine Emerton, wife of Rep. Emerton.

### SPECIAL GUESTS

Gilford Middle and High School boys' varsity soccer team, New Hampshire Class M Champions, guests of Rep. Hurt and the House.

Lynne Ellis, New Hampshire 1997 Teacher of the Year, guest of Rep. Emerton and the House.

### SENATE MESSAGES

#### CONCURRENCE

**HB 128**, relative to state regulation of participation by foreign banks in the financial markets of New Hampshire.

**HB 149-FN**, relative to the regulation of the profession of physical therapy.

**HB 151-FN**, establishing comprehensive medical, physical, and psychological standards for law enforcement officers.

**HB 190**, relative to interstate banking and branching.

**HB 196-FN**, providing for the regulation of horticultural growing media.

**HB 210**, requiring that an applicant to a planning or zoning board wishing to subdivide property supply the names of holders of conservation, preservation, or agricultural preservation restrictions on the subdivision property, who will then be notified by the board.

**HB 226**, relative to the composition of the aviation users advisory board.

**HB 342**, relative to the payment of recording fees for mortgage discharges and relative to notification of the discharge to the payor of the final payment in satisfaction of the mortgage.

**HB 391**, making the office of emergency management the administrator of the grant program for the civil air patrol in New Hampshire.

**HB 445**, extending the reporting date of the paperless title system study committee.

**HB 495**, prohibiting registered lobbyists from serving on the legislative ethics committee.

**HB 586**, changing the expiration date of OHRV registrations.

**HB 622-FN**, relative to legislative approval of settlements of court claims against the state.

**HB 653**, relative to address numbers on streets and highways and relative to penalties for violations of certain planning and zoning laws.

**HB 787**, requiring the executive council to hold public hearings on judicial appointments.

**HB 797**, requiring emergency vehicles to stop for school buses, and requiring the use of both audible and visual emergency signals, in certain circumstances.

**HB 805**, relative to homestead rights and revocable trusts.

**HB 810-FN-A**, appropriating certain funds from the highway surplus account to the department of transportation.

### CONCURRENCE WITH AMENDMENTS

**SB 60-FN**, excluding claims against New Hampshire hospital which are under \$500 from the jurisdiction of the state board of claims, and establishing a legislative oversight committee.

**SB 115-L**, establishing a committee to study issues relating to the withdrawal of a receiving district from an area school district.

**SB 138**, establishing teacher appreciation day.

**SB 167**, relative to the regulation of naturopathic practitioners.

**SJR 2**, relative to federal funding under the Individuals with Disabilities Education Act.

### NONCONCURRENCE

**HCR 9**, urging the governor and general court to take action to bring about property tax relief.

**CACR 1**, relating to a 4-year term for the office of governor. Providing that the governor shall be elected every 4 years beginning in the year 2002.

**CACR 10**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 117**, relative to Persian Gulf War bonus payments. (Amendment printed SJ 13, 4/24/97)

Rep. Edwin Smith moved that the House concur and spoke in favor.

Adopted.

**HB 252**, relative to posting of bylaws in advance of any town election. (Amendment printed SJ 13, 4/24/97)

Rep. Arnold moved that the House nonconcur and request a Committee of Conference.

Rep. Arnold spoke in favor.

Adopted.

The Speaker appointed Reps. Horton, Root, Hart and Buckley.

**HB 370**, updating and making technical corrections in certain banking laws. (Amendment printed SJ 13, 4/24/97)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 404**, establishing a committee to study providing universal catastrophic health coverage by establishing a statewide catastrophic risk pool. (Amendment printed SJ 13, 4/24/97)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

### ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 338**, repealing certain requirements relative to the duty to deliver a copy of process to prisoners.

The President appointed Sens. Podles, Pignatelli and Gordon.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 415, 737, 809, 810 and HJR 4 and Senate Bill numbered 164.

Rep. Nowe, Sen. Barnes for the Committee

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 113**, establishing a committee to study health care issues related to individuals who are underinsured or without insurance, removed by Rep. Vachon.

**SB 139**, authorizing banks to invest trust funds in bank-affiliated investments, removed by Rep. Vachon.  
**SB 190**, exempting insurance companies newly located in New Hampshire from having to make payments to the administration fund during their first 3 years in the state and relative to investments by insurance companies in mutual funds, removed by Rep. Carson.  
 Consent Calendar adopted.

**SB 1**, relative to exclusive arrangements with managed care insurers. RE-REFER TO COMMITTEE  
 Rep. Gregory G. Carson for Commerce: The committee did not see a compelling need for this legislation. Further, the committee did not want to interfere with NH hospitals' ability to compete in the current marketplace. The committee did, however, want to better understand the contractual relationship between hospitals and insurance providers and re-referral is the best means to that end.  
 Vote 19-0.

**SB 17**, restricting check collection charges by creditors and debt collectors. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce: This bill puts a cap on the penalty charged by a creditor for negotiable instruments written on insufficient funds. The bill sets a limit of \$25, but leaves open the decision to impose the penalty. Vote 13-1.

#### Amendment (1080h)

Amend RSA 358-C:5, I as inserted by section 1 of the bill by replacing it with the following:

I. A creditor involved in a consumer credit transaction or a debt collector designated to collect on a check, negotiable order of withdrawal, share draft, or other negotiable instrument may charge and receive a check collection charge of not more than \$25.

**SB 82**, relative to determination of reasonable compensation for certain trustees OUGHT TO PASS  
 Rep. Barbara L. Spear for Commerce: This bill clarifies the determination of reasonable compensation for corporate and professional trustees in the administration of testamentary trusts. The bill acknowledges that reasonable compensation will be defined by the institution's or professional's published inter vivos fee schedule or fee agreement in effect at the time services are rendered. The bill also establishes a committee to study the issue of compensation for trustees of charitable trusts and the feasibility of expanding the standard to be applied by the probate court in deciding upon petitions to change corporate trustees in testamentary trusts. All testimony heard favored passage of this bill. Vote 14-0.

**SB 129**, relative to manufactured housing deeds. OUGHT TO PASS

Rep. Tara G. Reardon for Commerce: This bill removes the requirement that manufactured housing deeds be witnessed and acknowledged. It also validates deeds properly acknowledged and recorded since August 17, 1983, thus treating manufactured housing deeds similar to all other deeds contained in RSA 477. Vote 16-0.

**SB 6**, relative to real estate appraisers. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill is the result of numerous efforts over the past three years to allow changes in the operation of a relatively new board, Board of Property Appraisers. The amended bill, which has the endorsement of the sponsor, appraisal board, realtors, and the banks, does the following: adds one more public member to the board; adds a new "apprentice real estate appraiser" classification; and defines more clearly the grievance, complaint and disciplinary proceedings in order to comply with present federal mandates. Vote 15-0.

#### Amendment (1236h)

Amend the bill by replacing all after section 1 with the following:

2 Real Estate Appraiser Board Composition Changed. RSA 310-B:4, I is repealed and reenacted to read as follows:

I. There is established an independent real estate appraiser board which shall be administratively attached to the department of state. The board shall be composed of the following 7 members, appointed by the governor with the consent of council:

(a) Three real estate appraisers with a minimum of 5 years' experience, consisting of one New Hampshire certified residential appraiser, one New Hampshire certified general appraiser, and one New Hampshire certified appraiser who is a broker licensed under RSA 331-A; provided that no 2 appraiser members shall be members of the same private appraisal organization.

- (b) One representative from a New Hampshire lending institution,
- (c) The banking commissioner or designee,
- (d) Two members of the general public not associated directly or indirectly with banking, brokerage, real estate appraisal, insurance, or any other affected industry.

3 Classifications of Real Estate Appraisers. Amend RSA 310-B:6, I is repealed and reenacted to read as follows:

I. There shall be the following classifications of real estate appraisers which shall meet the criteria as the board shall require by rules adopted under RSA 541-A:

(a) Apprentice. The apprentice real estate appraiser classification shall consist of those persons who do not meet the requirements under subparagraph (b), (c), or (d), but are in the process of completing the requirements for one of the classifications of a real estate appraiser. Apprentice real estate appraisers shall be required to work under the supervision of either a New Hampshire licensed or certified appraiser until the requirements for licensure or certification have been met.

- (b) Licensed residential real estate appraiser.
- (c) Certified residential real estate appraiser.
- (d) Certified general real estate appraiser.

4 Chairperson's Signature Required. Amend RSA 310-B:16, I to read as follows:

I. A license or certificate issued under authority of this chapter shall bear the ~~the~~ **[signatures]** *signature* of the ~~members~~ **board chairperson or a designee who is a member** of the board and a license or certificate number assigned by the board.

5 New Sections; Grievances; Complaints. Amend RSA 310-B by inserting after section 17 the following new sections:

310-B:17-a Grievances.

I. All grievances shall be in writing and objectively received and reviewed by the board.

II. If the board determines that a grievance requires further investigation, it shall be acted upon within 90 days.

III. Disposition of all grievances shall be voted on by the board.

IV. The board, on its own motion and in accordance with the provisions of this chapter, shall commence a disciplinary proceeding.

310-B:17-b Complaints.

I. Complaints shall not be accepted for filing with the board unless the grievance procedures in RSA 310-B:17-a have been concluded. The aggrieved party may proceed with the complaint process if the aggrieved party does not agree with the decision of the board.

II. To be accepted for filing, complaints shall be filed on a form provided by the board.

III. Properly filed complaints shall be reviewed by the board to determine compliance with this section.

IV. Upon confirmation that a complaint complies with the provisions of this section, the board shall schedule a disciplinary proceeding on the complaint in accordance with the provisions of RSA 541-A.

6 Disciplinary Proceedings. Amend the introductory paragraph of RSA 310-B:18 to read as follows: The board may revoke or suspend ~~the~~ **a** licensure or certification ~~of~~, **may assess a fine of not more than \$2,000 per violation or, in the case of a continuing violation, \$100 for each day the violation continues, whichever would be greater, or may require mandatory completion of continuing education, or may take any combination of the preceding actions, relating to any **[licensed or certified]** real estate appraiser, in accordance with the provisions of this chapter, upon any of the grounds set forth in this section~~[-The board may investigate the actions of a licensed or certified real estate appraiser, and may revoke or suspend the license or certificate of a licensed or certified real estate appraiser]~~ for any of the following acts or omissions:**

7 Guilty Plea or Nolo Contendere Relative to Convictions Deleted. Amend RSA 310-B:18, IV to read as follows:

IV. A conviction~~[-including a conviction based upon a plea of guilty or nolo contendere,]~~ of a crime which is substantially related to the qualifications, functions, and duties of a person developing real estate appraisals and communicating real estate appraisals to others.

8 Negligence or Incompetence Determined by Board; "Willful" Disregard Deleted. Amend RSA 310-B:18, VIII and IX to read as follows:

VIII. Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal **as determined by the board**.

IX. ~~Willfully~~ Disregarding or violating any of the provisions of this chapter or the rules adopted by the board for the administration and enforcement of this chapter.

9 Time for Hearings; Fees for Apprentice Status. Amend RSA 310-B:19 and 20 to read as follows:

310-B:19 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, ~~[both]~~ **all** parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 90 days after the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Disciplinary hearings shall be conducted *within 90 days of receipt of the complaint* before at least 5 members of the board. Written notice of all disciplinary decisions made by the board shall be given to ~~[both]~~ **all** parties to the proceeding upon their issuance. Orders of the board shall be subject to ~~[rehearing and appeal in the manner prescribed by]~~ the contested case provisions of RSA ~~[541]~~ **541-A**.

310-B:20 Fees. The board shall establish fees for application, for examination of applicants, for *apprentices, and renewals of apprentice status for* licensure or certification, ~~[and]~~ for renewal of licensure or certification under this chapter, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year, and sufficient to provide for periodic payments to reimburse the general fund for money appropriated for the purposes of this chapter.

10 Reference to Council Deleted. Amend RSA 310-B:22 to read as follows:

310-B:22 Roster. A roster showing the names, classification and place of business of all real estate appraisers licensed or certified under this chapter, who have paid their annual federal registry fee to the board, shall be submitted annually with the moneys collected to the *federal Appraisal Subcommittee* ~~[Federal Financial Institutions Examination Council (FFIEC) pursuant to Title XI]~~. A copy of the roster shall be placed on file with the secretary of state.

11 New Section; Summons, Oaths, Witnesses; Procedures. Amend RSA 310-B by inserting after section 23 the following new section:

310-B:23-a Summons; Oaths; Witnesses.

I. The board shall have the power to administer oaths or affirmations, preserve testimony, subpoena witnesses, and to compel by subpoena duces tecum, the production of all books, records, files and documents, whether originals, copies or in electronic or other form, and other materials, relevant to its investigation of any grievance, complaint or disciplinary proceeding before the board.

II. The board may issue subpoenas with the approval of the office of the attorney general.

III. A minimum of 10 business days' notice shall be given for compliance with a subpoena under this chapter.

12 Continuing Education Requirements Set by the Board. Amend RSA 310-B:24, VIII-a to read as follows:

VIII-a. Establishing continuing education and experience requirements which comport with ~~[the] criteria [set forth by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council]~~ *set forth by the board*.

13 Terminology Correction. Amend RSA 310-B:25 to read as follows:

310-B:25 ~~[Separability]~~ *Severability*. If any provisions of this chapter or the application thereof to any person or in any circumstance ~~[is]~~ **are** held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

14 Current Board Member. The member of the board licensed as a real estate broker immediately before the effective date of this act shall continue to serve as a member of the board for the remainder of the member's term as a public member of the board.

15 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill changes the composition of the board of real estate appraisers, establishes grievance and complaint and penalty procedures, and makes various technical changes regarding the professional regulation of real estate appraisers.

Rep. Peterson declared a conflict of interest and did not participate.

**SB 54-FN**, relative to gainful occupation of disability beneficiaries in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill as amended by the committee will make three changes in RSA 100-A. Section 1 sets the time frame when final compensation must be paid to be included as earnable compensation for determining the average final compensation. Section 2 adjusts the method of calculating the amount of allowable earnable compensation for a disability beneficiary of the retirement system using the consumer price index. Section 3 (Chap. 270:4, I 1995) extends to July 1, 2000, the provisions for teachers who equally share a job-sharing position with another teacher. The provision is due to expire on July 1, 1997, but should be extended for another 3 years. Vote 16-0.

### Amendment (1291h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to earnable compensation after termination, creditable service for job-sharing teachers, and gainful occupation of disability beneficiaries in the New Hampshire retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of Earnable Compensation; Limitation on Compensation Paid After Termination. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean for all members the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and other compensation paid to the member by the employer, plus the fair market value of non-cash compensation such as meals or living quarters if subject to federal income tax. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. *Earnable compensation shall not include any compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.*

2 Gainful Occupation; Current Comparable Compensation. Amend RSA 100-A:6, III(b) and (c) to read as follows:

(b)(1) If the board of trustees finds that any disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between [his] *the beneficiary's* retirement allowance and the ~~[annual amount of compensation currently payable for the job classification last held by the beneficiary prior to his disability retirement]~~ *current comparable compensation*, then [his] *the beneficiary's* state annuity may be reduced to an amount which, together with [his] *the* member annuity and the annual amount earnable ~~[by him]~~, is equal to the ~~[annual amount of compensation currently payable for the job classification last held by the disabled beneficiary]~~ *current comparable compensation*. Such reduction shall not be made if the disabled beneficiary demonstrates to the satisfaction of the board of trustees that the annual compensation currently earnable ~~[by him]~~ does not exceed the difference between [his] *the beneficiary's* retirement allowance and the ~~[annual amount of compensation currently payable for the job classification which he last held prior to his disability retirement]~~ *current comparable compensation*. If [his] *the beneficiary's* earning capacity is later changed, [his] *the* state annuity may be further modified; provided that the new state annuity shall not exceed the amount of the state annuity originally granted nor an amount which, when added to the amount earnable ~~[by him]~~, together with [his] *the* member annuity, equals the ~~[annual amount of compensation currently payable for the job classification last held prior to his disability retirement]~~ *current comparable compensa-*

tion. It shall be the responsibility of the disability beneficiary to file with the board of trustees, annually on a date determined by the board, proof of the annual amount of compensation currently earnable [by him] and of the [~~annual amount of compensation currently payable for the job classification last held by him prior to his disability retirement~~] *current comparable compensation*.

(2) For purposes of this subparagraph, "*current comparable compensation*" means the greater of:

(A) *The annual amount of compensation currently payable for the job classification last held by the beneficiary prior to disability retirement; or*

(B) *The beneficiary's average final compensation increased by an amount for each year since disability retirement calculated using the Consumer Price Index for All Urban Consumers (CPI-U) as determined by the Bureau of Labor Statistics.*

(c) Except for payments made under RSA 281-A:37 or compensation which is not *earnable compensation under RSA 100-A:1, XVII*, any amounts which may be paid or payable to or on account of any member or retired member on account of any disability to which the employer has made contributions under the provisions of any workers' compensation or similar law or plan shall, in such manner as the board of trustees shall determine, be offset against and payable in lieu of any state annuity on account of the same disability.

3 Creditable Services; Teacher Job Sharing; Prospective Amendment Extended. Amend 1995, 270:4, I to read as follows:

I. Section 3 of this act shall take effect July 1, [1997] 2000, at 12:01 a.m.

4 Funding. Any increase in retirement system pension liabilities due to an increase in the state annuity payable to a disability beneficiary pursuant to section 2 of this act shall at the option of the board of trustees of the retirement system, either be terminally funded from the special account established by RSA 100-A:16, II(h) or funded by an increase in the normal contribution rate as determined by the actuary.

5 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill:

(a) Excludes from *earnable compensation* any compensation paid later than 120 days after a retirement system member's termination of employment.

(b) Extends the statutory provision granting full creditable service for the amount of actual pay for teachers in a job-sharing position for 3 years.

(c) Changes the method for determining the allowable gainful occupation for a disability beneficiary of the retirement system.

Referred to Finance.

**SB 124**, relative to the imposition of fines by the state board of licensure for land surveyors. OUGHT TO PASS WITH AMENDMENT

Rep. Robert K. Dodge for Executive Departments and Administration: The committee agrees that the state board of licensure for land surveyors should have the authority to impose administrative fines. However, the amounts requested have been amended to conform to the same level of fines assessed by other boards. Vote 16-0.

### Amendment (1062h)

Amend RSA 310-A:70, III(e) as inserted by section 1 of the bill by replacing it with the following:

(e) By assessing administrative fines not to exceed \$2,000 per violation or, in the case of continuing violations, \$100 for each day the violation continues, whichever would be greater.

### AMENDED ANALYSIS

This bill gives the state board of licensure for land surveyors the authority to impose administrative fines up to \$2,000 per violation or \$100 per day for continuous violations, whichever would be greater.

**SB 212-FN**, declaring a member of the retirement system on leave under the Family and Medical Leave Act to be in service for purposes of death or disability benefits. OUGHT TO PASS

Rep. Rep. Myron S. Steere, III for Executive Departments and Administration: This bill will close a loophole in the present retirement statute and allow those on leave under the federal Family and Medical Leave Act to apply for disability retirement or death benefits. While on this type of leave, this is needed because while on family and medical leave if the individual is not making contributions to the New Hampshire Retirement System, he or she is not eligible for benefits. At the present time, those on disability leave and not making contributions are eligible for benefits within a definitive time. This will extend that privilege to those on family and medical leave. The federal Family and Medical Leave Act is well defined and sets out proper guidelines for implementation. Vote 14-0.

Referred to Finance.

**SB 47-FN**, continuing the marital guardian ad litem recovery program in the unit of cost containment, office of the commissioner of administrative services. **OUGHT TO PASS**

Rep. Margaret A. Lynch for Finance: This bill allows for the continuation of a very successful pilot program to recoup monies owed the state for the operation of the guardian ad litem program. Vote 17-0.

**SB 64-FN-A**, exempting motor fuel used for automobile racing from road toll taxation. **OUGHT TO PASS**

Rep. Charles L. Vaughn for Finance: Automobile racetrack facilities which sell or dispense autoracing fuel – 105 octane or higher – are entitled to apply for a refund from the road toll tax. In addition, the bill reduces administrative costs for the Department of Revenue Administration making one payment to motorsport facilities rather than hundreds of applicants seeking refunds. Decreased state highway revenue: \$15,000. Vote 17-0.

**SB 75-FN**, regulating beer festivals and requiring beer festival promoters to obtain a single event license for a fee from the liquor commission to hold a beer festival. **OUGHT TO PASS**

Rep. Arthur P. Klemm, Jr. for Finance: This bill creates a beer festival license which will allow microbrewers to test market new products which have not already been introduced to the marketplace. The festival promoters are required to obtain a single-event license and pay a fee to the commission for such a license. This license is supplemental to the one they already have. Vote 16-0.

**SB 80-FN-A**, excluding certain transfers from payment of the real estate transfer tax. **RE-REFER TO COMMITTEE**

Rep. David J. Alukonis for Finance: The revisions intended by this Senate bill are similar to those found in HB 245 which the House has re-referred to the Finance Committee. As such, the committee believes that this bill should also be re-referred for further study. Vote 17-0.

**SB 176-FN**, relative to late payment of the legacies and successions tax. **OUGHT TO PASS**

Rep. Sandra K. Dowd for Finance: Currently the state will not accept payment of the total legacies and successions tax due until the estate is settled, a process which frequently takes at least a year. However, if that is not done within nine months of death, penalties accrue. This bill allows a person to make an estimated tax payment of 90% of the total tax due and avoid further penalties. Vote 17-0.

**SB 183-FN**, relative to liquor licenses for a sports/entertainment complex. **OUGHT TO PASS**

Rep. Arthur P. Klemm, Jr. for Finance: The committee found that there is minimal fiscal impact to the state. Vote 17-0.

**SB 13**, relative to continuing education for claims adjusters. **INEXPEDIENT TO LEGISLATE**

Rep. Richard E. Dolan for Labor, Industrial and Rehabilitative Services: The committee feels that the present law is adequate to ensure the proper training of insurance adjusters, absent any claims of the adjusters being limited in their ability to perform their jobs. Vote 14-1.

**SB 36**, relative to incarcerated convicted persons receiving workers' compensation payments. **OUGHT TO PASS WITH AMENDMENT**

Rep. George D. Murch, III for Labor, Industrial and Rehabilitative Services: This bill as amended permits the Department of Corrections to pursue "cost of care" claims against workers' compensation payments being made to any person who becomes incarcerated due to a conviction. Claims under this provision are for indemnity payments only and exclude medical and remedial care. The committee voted unanimously in favor of this bill as amended. Vote 15-0.

**Amendment (1223h)**

Amend the bill by replacing section 1 with the following:

1 Reference Added; Exception Added. Amend RSA 281-A:52, I to read as follows:

I. Claims for compensation under this chapter shall not be assignable, and the compensation and any claim for compensation shall be exempt from all claims of creditors except as provided in this section *and in RSA 622:53-58*. Claims for payment by physicians, hospitals, and for other remedial care chargeable to the employee and rendered in connection with a compensated injury and claims of attorneys for services rendered an employee in prosecuting a claim under this chapter, when approved by the superior court, may be enforced against the compensation award in such manner as the superior court may direct.

**AMENDED ANALYSIS**

This bill clarifies the authority of the state to attach an incarcerated, convicted person's workers' compensation indemnity benefits to pay for the cost of such inmate's care.

**SB 98-FN**, relative to the submission of youth employment certificates to employers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rebecca C. Hutchinson for Labor, Industrial and Rehabilitative Services: This bill gives employers three days to obtain the youth employment certificates from new employees. Vote 15-0.

**Amendment (1198h)**

Amend RSA 276-A:5, V as inserted by section 1 of the bill by replacing it with the following:

*V. Certificates shall be obtained by an employer within 3 business days of the first day of employment.* Copies of certificates shall be kept on file by all employers of youths.

**AMENDED ANALYSIS**

This bill requires that youth employment certificates be obtained by the employer within 3 days of the first day of employment.

**SB 44**, establishing a committee to study the building of a state-owned liquor store in the city of Keene. **OUGHT TO PASS**

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill establishes a study committee to review the possibilities of establishing a state-owned liquor store in the city of Keene. Vote 14-0.

**SB 16**, relative to drinking water rules for public water systems. **OUGHT TO PASS WITH AMENDMENT**

Rep. H. Charles Royce for Resources, Recreation and Development: This bill is a request from the Department of Environmental Services. The bill authorizes the Commissioner of DES to adopt rules to protect long-term quality of public drinking water systems. The amendment clarifies what sections under the Safe Drinking Water Act was reauthorized in 1996. This bill will help our small public water systems, both in towns or held privately, to obtain low interest loans for improvements. Vote 10-0.

**Amendment (1058h)**

Amend RSA 485:3, XI as inserted by section 1 of the bill by replacing it with the following:

XI. The commissioner may adopt rules to ensure long-term viability of public drinking water systems as required by section 119 of the federal Safe Drinking Water Act Amendments of 1996, 42 U.S.C. section 300g-9 to qualify for full eligibility for federal and state revolving fund capital grants.

**SB 153**, requiring a check-off box on a driver's license application form relative to having the social security number indicted on the driver's license. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ralph L. Akins for Transportation: This bill and amendment requires that driver's license applications include check-off boxes allowing the applicant to indicate whether the applicant wishes to provide his or her social security number, whether the applicant wishes that the social security number not be printed on the license, and whether the applicant wishes that his or her photograph not be retained by the department of safety. These options are presently available to applicants under current law and part of the application process. The committee recognized that by adding the check-off boxes to the application form would make processing the applications more convenient and efficient for both the applicant and the department. Vote 14-0.

**Amendment (1203h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to driver's license application forms.

Amend the bill by replacing all after the enacting clause with the following:

1 Social Security Number; Driver's License Applicant's Options. The section heading of RSA 263:40-a and RSA 263:40-a, I are repealed and reenacted to read as follows:

263:40-a Social Security Numbers; Application Form Options.

I. The application form for a driver's license or a renewal of a driver's license may request the social security number of the applicant. An applicant for a renewal of a driver's license who is a resident of New Hampshire shall be given the opportunity to determine whether to provide the social security number. The application form shall include a box to check off if the applicant does not wish to provide his or her social security number pursuant to this paragraph, a box to check off if the applicant does not wish to have his or her social security number appear on the license, and a box to check off if the applicant does not wish to have his or her computerized image, likeness, or photograph retained in the records of the department of safety.

2 Purpose. The purpose of this act is to change the purpose of the increase of drivers' license fees made in 1991, 347:10, for the establishment of an on-line imaging system for driver licensing, so that an applicant may elect to have the department of safety not retain his or her image, likeness, or photograph in the records of the department.

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill requires that driver's license applications include check-off boxes allowing the applicant to indicate whether the applicant wishes to provide his or her social security number, whether the applicant wishes that the social security number not be printed on the license, and whether the applicant wishes that his or her image, likeness, or photograph not be retained by the department of safety.

**REGULAR CALENDAR**

**SB 18**, relative to the sale of certain items at flea markets. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: This is a consumer protection bill which ensures that people do not sell merchandise at flea markets which has an expiration date that has expired. The bill establishes an enforcement and fine mechanism. Vote 12-3.

**Amendment (1200h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Sale of Certain Items. Amend RSA by inserting after chapter 358-P the following new chapter:

**CHAPTER 358-Q****SALE OF CERTAIN ITEMS**

358-Q:1 Restriction on Sale of Certain Items.

I. In this section "flea market" means any location other than a permanent retail store at which space is rented or otherwise made available to others for the conduct of business as transient or limited vendors. This term shall not include those persons who sell by sample, catalog, or brochure for future delivery, or those persons who make sales presentations pursuant to a prior invitation issued by the owner or the legal occupant of the premises.

II. No person shall sell, offer for sale, or permit the sale at any flea market of the following products with an expiration date that has passed.

(a) Infant formula or food manufactured and packaged solely for sale and consumption by a child under 2 years of age.

(b) Drugs, devices, and cosmetics as defined in RSA 146.

III. Any other product being offered for sale at a flea market beyond the expiration date shall be clearly marked indicating that the sale expiration date has passed and should be noted by the buyer.

IV. Any person who violates any provisions of this chapter shall be punished by a fine of up to \$100 for each violation.

358-Q:2 Enforcement. In addition to the penalty under RSA 358-Q:1, IV, any violation of the provisions of this chapter shall constitute an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right, remedy or power set forth in RSA 358-A may be used to enforce the provisions of this chapter. The department of justice shall maintain and make available for inspection a record of the violations of this chapter.

2 Effective Date. This act shall take effect January 1, 1998.

#### AMENDED ANALYSIS

This bill restricts the sale of certain items at flea markets.

Adopted.

Report adopted and ordered to third reading.

**SB 94-L**, relative to the financing of the New Hampshire civic center commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This highly controversial bill was the subject of numerous subcommittee meetings that were well attended by both proponents and opponents. The subcommittee, and the committee as a whole, considered several amendments that attempted to loosen the restrictions enacted by the Legislature last year. Ultimately, the committee agreed that we could not craft a solution, nor should we. This is a matter of local control. The committee believes that the civic center development is a positive step in the rehabilitation of Concord's opportunity corridor, but no legislation can assure that will happen. The financing of the Concord Civic Center should be decided by the 15-member city council and their constituents, in consultation with the City of Concord's professional staff. Therefore, the committee removes the Legislature from the debate and turns the matter over to the city to solve this matter, as it sees fit. Vote 14-4.

#### Amendment (1301h)

Amend the title of the bill by replacing it with the following:

**AN ACT** repealing the New Hampshire civic center commission.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. 1996, 184, relative to the New Hampshire civic center commission, is repealed.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill repeals the New Hampshire civic center commission.

Adopted.

Report adopted and ordered to third reading.

**SB 203-FN-L**, deleting the state prison and adding county correctional facilities to the provisions relating to incarcerated educationally disabled children. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William A. Riley for the Majority of Education: Federal Law requires that special education services be provided for those incarcerated youths who are eligible. SB 203 directs which town pays for those services. The amendment also restores "state prisons" to the bill to insure the provision of special education services. Vote 13-2.

Rep. Michael Marcinkowski for the Minority of Education: This bill is premature in that the House passed SB 155 directing the state Department of Education to develop a plan to comply with the Federal Individuals with Disabilities Education Act on the subject of special education for youths in county or state correctional facilities. That plan should address all of the pertinent issues.

#### Amendment (1221h)

Amend the title of the bill by replacing it with the following:

**AN ACT** adding county correctional facilities and making other technical changes to the provisions relating to incarcerated educationally disabled children.

Amend the bill by replacing all after the enacting clause with the following:

1 County Correctional Facilities Added. Amend RSA 186-C:19-a to read as follows:

186-C:19-a Educationally Disabled Children at the Youth Development Center, the State Prison, *County Correctional Facilities*, and the Youth Services Center.

I. For an educationally disabled child at the youth development center [or], the state prison, *county correctional facilities*, or who is placed at the youth services center maintained by the department of youth development services while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13, the school district responsible for the development of [an] *that child's* individualized education plan *and the child's special educational expenses* shall be as follows:

(a) If such child is in the legal custody of the parent, the school district in which the child's parent resides *at the time the child was physically placed at the youth development center, state prison, county correctional facility, or youth services center*, shall be responsible.

(b) If such child is not in the legal custody of the parent or if the parent *with legal custody* resides outside the state, the *New Hampshire* school district in which the child [most recently] resided *at the time the child was physically placed at the youth development center, state prison, county correctional facility, or youth services center*, other than in a state institution, home for children or health care facility as defined in RSA 193:27 shall be responsible.

~~(c)~~ III. For the purposes of this section, a parent shall not have legal custody if legal custody has been awarded to some other person or agency, even if that parent retains residual parental rights. An award of legal custody by a court of competent jurisdiction, in this state or in any other state, shall determine legal custody under this section.

~~[H-The]~~ III. For the purposes of this section, a school [district] *district's* liability for *special* educational expenses for an educationally disabled child in the youth development center, [or] the state prison, *county correctional facilities*, or who is placed in the youth services center while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13, shall not exceed the state average elementary cost per pupil, as determined by the state board of education for the preceding school year.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill adds county correctional facilities and makes certain technical changes to the provisions relating to incarcerated educationally disabled children.

Adopted.

Majority report adopted and referred to Finance.

**CACR 13**, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The balance of power among the three branches of government is carefully devised. Yet, it is still in a constant state of flux. This amendment will unduly increase the power of the governor to the detriment of the legislature. Vote 14-3.

Adopted.

**SB 41**, relative to the time for filing requests for a hearing with the department of labor concerning violations of the whistleblower protection act. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill concerns the "whistleblowers" protection act. An employee will have six months from the date of the last infraction by the employer to file a complaint. Vote 11-4.

#### Amendment (1050h)

Amend the bill by replacing section 1 with the following:

1 New Section; Whistleblower Protection Act; Complaints Required to be Filed Within 6 Months.

Amend RSA 275-E by inserting after section 4 the following new section:

275-E:4-a Statute of Limitations. A request by an employee for a hearing pursuant to RSA 275-E:4 must be filed with the department within 6 months of the date that the discharge, last threat or other discrimination by the employer occurred.

## AMENDED ANALYSIS

This bill requires that requests for a hearing by employees under the whistleblower protection act be filed within 6 months from the date of the discharge, last threat or other discrimination by the employer. Rep. Cushing spoke against. Rep. Clegg spoke in favor and yielded to questions. On a division vote, 197 members having voted in the affirmative and 135 in the negative, the amendment was adopted. Report adopted and ordered to third reading.

**SB 143**, authorizing a municipality to change the date for filing for an elderly exemption. **OUGHT TO PASS**

Rep. Richard Noyes for Local and Regulated Revenues: A revision of the elderly exemption structure in 1995 made several changes that are only now being felt. One of those changes may seriously impede the setting of tax rates and the orderly administration of the property tax. The cities of Nashua and Manchester have already felt these adverse effects. This bill is enabling legislation which permits any town or city, if it wishes, to set a different deadline for filing for elderly exemptions to correct those problems. The committee believes these problems, created by the 1995 bill, are serious enough and clear enough to warrant giving towns and cities the option of a compromise correction now. Vote 14-3. Adopted and ordered to third reading.

**SB 19**, establishing a committee to study the environmental impact of businesses extracting water from state's resources for sale. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sidney Lovett for Resources, Recreation and Development: This bill establishes a committee to study the impact on property owners and the state's resources of water withdrawals by businesses extracting the state's water for sale. Vote 15-2.

**Amendment (0980h)**

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall examine the impact on property owners and the state's resources of water withdrawals by businesses extracting the state's water for sale.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1998.

Adopted.

Report adopted and ordered to third reading.

**SB 112**, establishing a commission on environmental programs. **INEXPEDIENT TO LEGISLATE**

Rep. Edwin O. Smith for State-Federal Relations and Veterans Affairs: After considerable debate, the committee agreed to set up an internal house committee under House Rule 30. This Senate bill may have some merit, and pursuing it in this more informal manner allows the concept to form sooner and be more flexible. We will call upon the expertise of other house committees as well as Senate input to help achieve a balanced approach. Vote 13-5.

Rep. Edwin Smith yielded to questions.

Adopted.

**REMARKS**

Rep. Trelfa moved that the questions and responses relative to Senate Bill 112, be printed in the Journal.

Adopted.

Rep. Amanda Merrill: Thank you Madam Speaker. Rep. Smith, I have a couple of questions to clarify the intent of the Committee with regard to this bill. My understanding was that the bill would have created a commission made up of legislators, administrative agency personnel and others to keep abreast of changes in federal environmental program and make recommendations about how to deal with those at the state level. I wonder if you could just clarify the make-up of the committee that your committee is suggesting and also the mechanism whereby that committee will keep up with what is going on at the federal level.

Rep. Edwin Smith: Rep. Merrill, we are going to have a committee made up, at least at this point it looks like it will be three people from State-Federal and Veterans Affairs, and under Rule 30 our charge is to look at any potential action by Congress, to maintain communication with Congress; through that we will find out what is going on in Washington and be able to address any issues that come up. There are going to be two members from the Environment and Agriculture Committee. Their charge is to look at the environment in any way other than air and water. There will be two members from the Science, Technology and Energy Committee which has the charge, under the Rules, for the air quality. There will be two members from Commerce. The Commerce Committee has the charge of being interactive with business and so forth so we can find out how they interact with the environmental changes. There will be two members from Resources, Recreation and Development and their charge is water quality. Each committee chairman has been approached and will be appointing two committee members to the committee and we will keep up with what is going on in Washington through the departments that each one of these committees have a rapport within the executive branch and also with the congressional end of it from our own committee membership.

Rep. Trelfa: Thank you, Madam Speaker. Thank you, Rep. Smith. This bill is primarily sponsored by the Senate. Is there any reason why you are not going to have some Senate representation on such a committee?

Rep. Edwin Smith: My idea is not to exclude the Senate. They have quite an agenda and we will find out who the person is that wants to be informed on the Senate side and we will keep them abreast of what is going on and keep them informed but they do not have to send a representative to it. They do have the option if they want to.

### REGULAR CALENDAR (CONT'D.)

**SB 63-FN**, relative to access to motor vehicle records. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Reps. Sherman A. Packard and Robert J. Letourneau for the Majority of Transportation: The committee recognizes that consumer based fraud is a growing problem, and costs New Hampshire consumers and businesses \$80 million a year, including what it cost the state to investigate, arrest, prosecute and incarcerate these criminals. To address this problem, the majority of the committee voted to authorize the Department of Safety to release certain specific information on individual driver's licenses or non-driver ID cards in limited circumstances to qualified entities engaged in the business of preventing identity-based fraud.

The information released will be used to verify the identity of the person applying for service or engaging in the transaction, thus discouraging those persons who are committing check and credit card fraud by providing a brief digitized image at the point of service. No other information will be available at the point of service.

The committee amendment acknowledges and addresses important privacy concerns by providing various opportunities for holders of driver's licenses and ID cards to "opt-out". This prevents the release of their personal information by the DOS. An initial mailing by the DOS will be required to give personal notice to all drivers and holders of ID cards in the state about the identity-based fraud program and to provide a check-off box for those persons who would elect not to have their information released. The amendment provides for further "opt-out" opportunities for all individuals at the time of driver's license renewal, automobile registration renewal, and at all points of service where the information would be used to verify identity. Additionally, the department is allowed to develop other reasonable "opt-out" methods.

The amendment is very specific in the use of any released data to assure that such use meets the strict limits of this bill and authorizes the DOS to randomly audit the use of such released data. Additionally, all data must be encrypted to prevent unauthorized access. Further, the amendment clarifies the title or interest of this data by specifying that requesting entity is entitled only to specific uses of the personal information. The language of the amendment also guarantees that the department of safety will not be responsible for any cost, the requesting entity shall pay in advance for all expenditures.

This legislation has the support of law enforcement officials and Mothers Against Drunk Drivers (MADD) because of its ability to prevent sale of alcohol to minors, another major problem in identity-based fraud. Vote 12-6.

Reps. Ralph L. Akins, Philip M. Ackerman, Brenda L. Ferland, Robert J. Haley, Peter F. Leonard and John S. Langone for the Minority of Transportation: The minority of the committee strongly feels that this bill should be voted Inexpedient to Legislate. Personal and private information should be protected by the state of New Hampshire. Drivers' photographs and social security numbers are entrusted to the state to enforce motor vehicle laws and should not be sold or released. The bill requires us to sign and mail in an exclusion document to avoid having our picture and social security number given to a private company to sell. Once name and picture are in a privately held digital database, they can be sorted and grouped by age, sex or race. This bill in effect allows one company access to drivers' records and photographs and excludes other businesses, such as banks, retailers, insurance companies, which must pay this company a fee. We believe that's a poor precedent to set.

### Amendment (1195h)

Amend the bill by replacing all after the enacting clause with the following:

#### I Purpose.

I. Identity-based fraud is costly to New Hampshire consumers, businesses and governmental entities.

II. Development of technology which allows for instant verification of a person's identity through the use of photographs may assist in the reduction of identity-based fraud.

III. In allowing qualified businesses access to certain records maintained by the department of safety and contained in driver licenses and non-driver identification cards for the sole purpose of reducing identity-based fraud, the state satisfies a legitimate state interest.

2 New Subparagraph; Availability of Personal Information. Amend RSA 260:14, V by inserting after subparagraph (b) the following new subparagraph:

(c) Notwithstanding any other provision of law, an applicant's specific personal information may be made available by the department in accordance with this subparagraph.

(1) The department shall, after entering into a contract with the requesting entity based on terms and conditions satisfactory to the department and consistent with RSA 260:14,V(c), provide a requesting entity with an applicant's specific personal information upon proof of the identity of the requesting entity and the representation of the requesting entity, in a form satisfactory to the department, that such requesting entity and the use of the specific personal information by such requesting entity satisfy each of the following conditions:

(A) The requesting entity is engaged in the business of providing to third parties mechanisms to reduce or prevent identity-based fraud such as mechanisms to (i) provide information to verify the proper use of credit cards, debit cards, checks, and such other forms of financial transactions as may be approved by the commissioner; (ii) prevent the fraudulent use of credit cards, debit cards, checks and such other forms of financial transactions as may be approved by the commissioner; or (iii) prevent identity-based application fraud.

(B) The requesting entity has a place of business in New Hampshire and agrees in writing at the time the request for such specific personal information is made that the requesting entity will be subject to the jurisdiction of the state of New Hampshire. Any agreements entered into by the department regarding disclosure of such specific personal information shall be construed according to the laws of New Hampshire.

(C) Any specific personal information provided to the requesting entity shall be used solely to verify the identity of the holder of an account or of the person as the applicant by use of the photograph or digitized image, name, and address of the applicant provided to the requesting entity by the department. All specific personal information, other than the photograph or digitized image, name, and address, shall be used by such person only to correlate the photograph or digitized image, name, and address of the applicant with the applicant's account or identification. Under no circumstances shall any specific personal information of the applicant, other than the photograph or digitized image, be available or recorded at the point of service.

(D) All specific personal information received by such requesting entity from the department shall be encrypted by such requesting entity and protected from access or use by any other person. The department may audit the storage and use of the specific personal information provided to the requesting entity, and the requesting entity shall facilitate the audit. No such requesting entity shall sell, rent, transfer, or otherwise make available such specific personal information to another person except for the purpose set forth in RSA 260:14, V (c)(1)(C).

(E) Upon dissolution of the requesting entity, in which the requesting entity, its successors and assigns, cease operation of its business, no transfer of any equipment of the requesting entity shall occur unless all specific personal information is deleted from such equipment.

(F) In the event of any sale, purchase, merger, acquisition, reorganization, or any other transfer of the requesting entity or the business of the requesting entity, such buyer, purchaser, survivor, acquirer, reorganized entity, or other transferee shall be subject to the provisions of RSA 260:14, V(c).

(G) Prior to the release by the department of any specific personal information of an applicant pursuant to subparagraph V(c), the requesting entity shall give personal notice in the form of an individually-addressed letter or postal card mailed by the department to each applicant via first-class U.S. mail or bulk mail with re-routing. The notice shall state that the requesting entity is seeking this specific personal information from the department for the purpose set forth in subparagraph V(c). The individually-addressed letter or postal card shall afford each applicant the opportunity, in the form of a check-off box, to notify the department that the applicant elects not to have specific personal information disclosed for such purpose. Upon receipt of such notification, the department shall not release specific personal information of such applicant. The form and content of the individually-addressed letter or postal card shall be approved by the department.

(H) The requesting entity shall pay in advance all costs of the notices required under subparagraph V(c)(1)(G), including all mailing costs, and shall pay in advance all other reasonable costs incurred in providing the specific personal information to the requesting entity, including, but not limited to, all reproduction, transmission and assembly costs related to the request for the specific personal information and the delivery of the information to the requesting entity. The department is authorized to expend the moneys for the purpose for which they are received.

(I) The requesting entity shall be required by the department to maintain for a period of not less than 5 years records identifying each access of an applicant's specific personal information and make such records available to the department upon request.

(J) The department may release specific personal information to the requesting entity 30 calendar days after the mailing of the notice pursuant to RSA 260:14, V(c)(1)(G). The department shall specify on the notice a date for the return of the election not to have specific personal information disclosed for the purpose set forth in subparagraph V(c).

(2) An applicant shall be provided opportunities to make the following elections:

(A) Application forms for a driver's license, a renewal of a driver's license, or a non-driver identification card shall provide each applicant the opportunity, in the form of a check-off box, to notify the department that the applicant elects not to have specific personal information disclosed for the purpose set forth in subparagraph V(c). The instructions for the check-off box shall be provided in a clear, simple, and conspicuous manner.

(B) The department shall provide and post clear, simple and conspicuous notice of the opportunity for an applicant to elect not to have specific personal information disclosed for the purpose set forth in subparagraph V(c) at each of its offices at which it requests specific personal information. The department shall also request that the same be done by municipal agents of the department appointed pursuant to RSA 261:74-a. Wherever such notices are posted, the department shall make available forms containing a check-off box for the purpose of making this election. The department and its municipal agents shall accept such forms only after verification of the identity of the applicant.

(C) Each entity which has one or more points of service which uses mechanisms to reduce or prevent identity based fraud shall provide clear, simple, and conspicuous notice to its customers that they may elect not to have their specific personal information disclosed by the department.

(D) The department may adopt other reasonable procedures to allow an applicant to have his or her specific personal information retained by the department and shall adopt procedures by which an applicant may reverse his or her election.

(3) The requesting entity shall be given the opportunity to have an educational packet mailed by the department to all applicants who have elected not to have specific personal information disclosed for the purposes set forth in subparagraph V(c). The educational packet may include information about the intended purpose for which an applicant's specific personal information will be used by the requesting entity and an election opt-in form. The applicant shall not be required

to return any form to the department except in the event that the applicant wishes to reverse a prior election not to have specific personal information disclosed. The educational packet shall include an explanation and disclaimer by the department indicating that the department takes no official position on the identity-based fraud detection program offered by the requesting entity. The requesting entity shall pay in advance all costs of the educational packets, including costs of mailing the packets and processing the opt-in forms.

(4) The department shall make no further release under subparagraph V(c) of the specific personal information of an applicant who makes an election under subparagraphs V(c)(1) or (2) unless such applicant changes such election pursuant to RSA 260:14, V(c)(3) or makes an election in writing and his or her identity is verified by the department or its municipal agent. The department shall notify the requesting entity of those applicants who have made such an election, and such requesting entity shall forthwith remove from its records the specific personal information provided by the department and shall retain no list of such applicants.

(5) No person shall refuse to engage in a financial transaction with another person, deny service to another person, deny credit to another person, or refuse to do business with another person solely because some or all of the other person's specific personal information does not appear on the mechanism to reduce or prevent identity-based fraud.

(6) Nothing in RSA 260:14, V(c) shall be construed in such a manner as to vest a requesting entity with any right, title, or interest in the specific personal information of an applicant beyond the specific uses and purposes prescribed under the subparagraph.

(7) For the purposes of this subparagraph V(c), the following definitions shall apply:

(A) "Applicant" means the individual whose specific personal information is in the possession of the department and is being requested by a requesting entity qualified under subparagraph V(c).

(B) "Election opt-in form" means an official form approved by the department and included in the educational packet for purposes of RSA 260:14, V(c)(3).

(C) "Holder" and "holder of the account" mean the individual in whose name a credit card account, debit card account, checking account, or other financial account is maintained.

(D) "Mechanisms to reduce or prevent identity-based fraud" means devices linked to a computer system which, when activated at the point of service, produce only a photograph or digitized image of the applicant whose account has been activated at the point of service and such photograph or digitized image allows for verification that the person seeking the service or making application is the holder of the account, is an authorized user of the account of such person, or is the person.

(E) "Specific personal information" means an applicant's name, address, photograph or digitized image, subject to the extent that such applicant has otherwise elected not to have such information disclosed, driver's license number or non-driver's identification card number, and the last 4 digits of an applicant's social security number, if the social security number is shown on the applicant's driver's license or non-driver identification card.

(F) "Requesting entity" means the individual, person, corporation, partnership, limited liability company, or other entity which requests access to specific personal information and is qualified pursuant to RSA 260:14, V(c).

3 Effective date. This act shall take effect upon its passage.

Reps. Akins and Ferguson spoke against and yielded to questions.

Reps. Packard and Letourneau spoke in favor and yielded to questions.

Rep. Below spoke against.

Rep. Lozeau spoke in favor.

Rep. Mercer requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

**YEAS 120 NAYS 226**

**YEAS 120**

**BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rosen, Ralph

Boyce, Robert  
Hurt, George  
Turner, Robert

Calvert, Alice  
Laflam, Robert  
Veazey, John

Clark, Charles  
Pilliod, James

**CARROLL**

|                    |              |                 |                |
|--------------------|--------------|-----------------|----------------|
| Chandler, Gene     | Cooper, Kipp | Howard, Godfrey | Kenney, Joseph |
| MacDonald, Kenneth | Mock, Henry  |                 |                |

**CHESHIRE**

|              |                    |                   |                 |
|--------------|--------------------|-------------------|-----------------|
| Hunt, John   | Metzger, Katherine | Royce, H. Charles | Russell, Ronald |
| Smith, Edwin |                    |                   |                 |

**COOS**

|                |                 |                   |                  |
|----------------|-----------------|-------------------|------------------|
| Guay, Lawrence | Merrill, Gerald | St. Hilaire, Paul | Tholl, John, Jr. |
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**GRAFTON**

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| Brown, Channing | Connolly, Steven | Hill, Richard          | LaMott, Paul |
| MacNeil, Allen  | Trelfa, Richard  | Williams, William, Jr. |              |

**HILLSBOROUGH**

|                         |                  |                       |                        |
|-------------------------|------------------|-----------------------|------------------------|
| Belvin, William         | Briefs, Geoffrey | Buckley, Raymond      | Burke, M. Virginia     |
| Calawa, Leon, Jr.       | Cardin, Lori     | Carney, Lauren        | Christiansen, Lars     |
| Clay, Susan             | Cote, Peter      | Desrosiers, William   | Dokmo, Cynthia         |
| Drabinowicz, A. Theresa | Durham, Susan    | Dyer, Merton          | Emerton, Lawrence, Sr. |
| Fenton, James           | Fields, Dennis   | Flora, Kathleen       | Foster, Joseph         |
| Gagnon, Eugene          | Ginsburg, Ruth   | Golding, William      | Hansen, Herbert        |
| Hart, Nick              | Holley, Sylvia   | Holt, David           | Hunter, Bruce          |
| Jean, Claudette         | Jean, Loren      | Kelley, Robert        | LaRose, Richard        |
| Lozeau, Donnalee        | MacAuslan, Rita  | Martin, Mary          | McCarty, Winston       |
| Mercer, Robert          | Milligan, Robert | Murphy, Robert        | O'Hearn, Jane          |
| Peterson, Andrew        | Sargent, Maxwell | Searles, Stanley, Sr. | Turgeon, Roland        |
| Wheeler, Robert         |                  |                       |                        |

**MERRIMACK**

|                 |                |                    |                   |
|-----------------|----------------|--------------------|-------------------|
| Burney, Carol   | Crowell, Peter | Feuerstein, Martin | Hess, David       |
| Larrabee, David | Nichols, Avis  | Whalley, Michael   | Whittemore, James |

**ROCKINGHAM**

|                       |                      |                    |                     |
|-----------------------|----------------------|--------------------|---------------------|
| Aranda, M. Kathryn    | Belanger, Ronald     | Cegelis, Mark      | Cooney, Richard     |
| Dodge, Robert         | Felch, Charles, Sr.  | Fesh, Robert       | Flanagan, Natalie   |
| Flanders, John, Sr.   | Gleason, John        | Henderson, Warren  | Johnson, Robert     |
| Katsakiores, George   | Katsakiores, Phyllis | Kelley, Jane       | Klemm, Arthur, Jr.  |
| Letourneau, Robert    | Lovejoy, Marian      | Malcolm, Kenneth   | McCarthy, John, Jr. |
| Noyes, Richard        | Packard, Sherman     | Raynowska, Bernard | Rubin, George       |
| Simmons, John Anthony | Smith, Kevin         | Stone, Joseph      | Stritch, C. Donald  |
| Welch, David          | Woods, Deborah       |                    |                     |

**STRAFFORD**

|                  |                  |           |                 |
|------------------|------------------|-----------|-----------------|
| Callaghan, Frank | Knowles, William | Torr, Ann | Tsiros, William |
|------------------|------------------|-----------|-----------------|

**SULLIVAN**

None

**NAYS 226****BELKNAP**

|                   |                    |
|-------------------|--------------------|
| Rice, Thomas, Jr. | Salatiello, Thomas |
|-------------------|--------------------|

**CARROLL**

|                    |                |                        |                |
|--------------------|----------------|------------------------|----------------|
| Babson, David, Jr. | Bradley, Jeb   | Dickinson, Howard, Jr. | Foster, Robert |
| Lyman, L. Randy    | Patten, Betsey | Philbrick, Donald      |                |

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
McGuirk, Paul  
Pratt, John  
Vogl, John

Bonneau, Sarah  
Doucette, Richard  
McNamara, Wanda  
Richardson, Barbara

Burnham, Daniel  
Lynch, Margaret  
Meador, David  
Riley, William

Champagne, Richard  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

**COOS**

Bradley, Paula  
Hawkinson, Marie

Coulombe, Henry  
Horton, Lynn

Coulombe, Yvonne  
Moynihan, Wayne

Davis, Perley  
Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Copenhaver, Marion  
Ham, Bonnie  
Mirski, Paul  
Weber, Phil

Alger, John  
Eaton, Stephanie  
Hinman, Harry  
Nordgren, Sharon

Almy, Susan  
Guaraldi, Lawrence  
Lovett, Sidney  
Phinney, William

Below, Clifton  
Guest, Robert  
Luker, Elsa  
Root, John

**HILLSBOROUGH**

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Batula, Peter  
Carlson, Donald  
Cote, David  
Dawe, Eileen  
Gage, Ruth  
Hall, Betty  
Lefebvre, Roland  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Murch, George  
Reidy, Frank  
Welch, Donald

Alukonis, David  
Asselin, Robert  
Bergin, Peter  
Chabot, Robert  
D'Allesandro, Lou  
Dwyer, Paul, Sr.  
Gosselin, Gerald  
Herman, Keith  
Leishman, Peter  
Luebker, Bernard  
Marcinkowski, Michael  
Melcher, Harold  
Pepino, Leo  
Riley, Frances  
White, Donald

Ameen, W.  
Baroody, Benjamin  
Bernier, Shannon  
Clegg, Robert, Jr.  
Daigle, Robert  
Ferguson, Charles  
Goulet, Maurice  
Johnson, Lionel  
Leonard, Peter  
Lynde, Harold  
McDonald, James, Sr.  
Messier, Irene  
Perkins, Paul  
Thulander, O. Alan  
White, Jay

Amidon, Eleanor  
Barry, William, III  
Brundige, Robert  
Clemons, Jane  
Daniels, Gary  
Foster, Linda  
Haley, Robert  
Kurk, Neal  
Lessard, Rudy  
MacGillivray, Jeffrey  
McGough, Tim  
Mittelman, David  
Piteri, Dawn  
Vaillancourt, Steve  
Wright, George

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
Fraser, Marilyn  
Hoadley, Elizabeth  
Lavoie, Gerard  
Maxfield, Roy  
Reardon, Tara  
Wallner, Mary Jane

Brown, Mary  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Leber, William  
Moore, Carol  
Rogers, Katherine

Chandler, Earle  
DeStefano, Stephen  
Gile, Mary  
Krueger, Patricia  
Lockwood, Robert  
Owen, Derek  
St. Cyr, Gerard

Colburn, Thomas  
Dunn, Miriam  
Hager, Elizabeth  
Lamach, Bernard  
Marshall, Kenneth  
Pfaff, Terence  
Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis  
Camm, Kevin  
Cushing, Robert  
Dowling, Patricia  
Flanders, David  
Guthrie, Joseph  
Kobel, Rudolph  
McGovern, Cynthia  
Millard, Ralph  
Pantelakos, Laura  
Stickney, Nancy  
Vaughn, Charles

Beaulieu, Jon  
Case, Margaret  
Dearborn, Bruce  
Downing, Michael  
Francoeur, Sheila  
Heath, John  
Langley, Jane  
McKinney, Betsy  
Moore, Benjamin  
Reardon, Neil  
Syracusa, Anthony  
Weyler, Kenneth

Bishop, Franklin  
Coes, Betsy  
Dolan, Richard  
Dube, LeRoy  
Frechette, Joseph  
Hutchinson, Rebecca  
Langone, John  
Micklon, Stephanie  
Norelli, Terie  
Sabella, Norma  
Tufts, J. Arthur

Blanchard, MaryAnn  
Cote, Patricia  
Dowd, Sandra  
Dunham, Vivian  
Griffin, Mary  
Kane, Cecelia  
Major, Norman  
Mikowski, Walter  
Nowe, Ronald  
Schanda, Frank  
Varrell, Thomas

**STRAFFORD**

|                   |                      |                  |                  |
|-------------------|----------------------|------------------|------------------|
| Berube, Roger     | Bickford, David      | Brennan, William | Brown, George    |
| DeChane, Marlene  | Dunlap, Patricia     | Estabrook, Iris  | Grassie, Anne    |
| Hemon, Roland     | Hilliard, Dana       | Kaen, Naida      | Keans, Sandra    |
| Lundborn, Raymond | McCann, William, Jr. | Merrill, Amanda  | Merritt, Deborah |
| Pelletier, Arthur | Rogers, Rose Marie   | Rollo, Michael   | Smith, Marjorie  |
| Snyder, Clair     | Spear, Barbara       | Sullivan, Henry  | Taylor, Kathleen |
| Torr, Franklin    | Twardus, Joseph      | Vachon, Dennis   | Vincent, Francis |
| Wall, Janet       |                      |                  |                  |

**SULLIVAN**

|                 |                  |                    |                 |
|-----------------|------------------|--------------------|-----------------|
| Adler, Rudolf   | Allison, David   | Cloutier, John     | Donovan, Thomas |
| Ferland, Brenda | Flint, Gordon    | Kibbey, David      | Leone, Richard  |
| Lindblade, Eric | Palmer, Lorraine | Wiggins, Celestine |                 |

and the amendment failed.

Rep. Carson declared a conflict of interest and did not participate.

The question now being Ought to Pass.

Ought to Pass failed.

Rep. Ferguson moved Inexpedient to Legislate.

Adopted.

**INDEFINITE POSTPONEMENT**

Rep. Ferguson moved that **SB 63**, relative to access to motor vehicle records, be indefinitely postponed.

Adopted.

**REGULAR CALENDAR (CONT'D.)**

**SB 113**, establishing a committee to study health care issues related to individuals who are underinsured or without insurance **INEXPEDIENT TO LEGISLATE**

Rep. Martha Fuller Clark for Commerce: All the members of the committee recognize the need for the legislature to have a better understanding of health care issues related to individuals who are underinsured or without insurance, particularly continually rising premiums and with the expansion of managed care as the dominant form of health insurance in the state. It is the stated intention of the committee, using **SB 122** as a vehicle, to establish a legislative study committee which will address several critical questions regarding health care insurance in New Hampshire, including availability access, cost and quality of care. Clearly, the issue of the underinsured and the non-insured will be a key component of this study. Therefore, **SB 113** is no longer necessary. Some members of the committee were concerned that folding the intent of this legislation into another bill will minimize the importance of this very critical issue and would prefer to have had this legislation go forward as introduced. Vote 15-3.

Rep. Hunt moved Recommit to Committee and spoke in favor.

Adopted.

**SB 139**, authorizing banks to invest trust funds in bank-affiliated investments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: This bill brings New Hampshire into conformity with every other state by expanding a trustee's scope of investment opportunities to include certain mutual funds. In so doing, trust funds can benefit from greater asset diversification and economies of scale. To prevent potential abuses, the bill contains stringent provisions for mandatory disclosure, non-layering of fees, and retention of fiduciary duties. Vote 17-0.

Rep. Hunt moved Recommit to Committee and spoke in favor.

Adopted.

**SB 190**, exempting insurance companies newly located in New Hampshire from having to make payments to the administration fund during their first 3 years in the state and relative to investments by insurance companies in mutual funds. **INEXPEDIENT TO LEGISLATE**

Rep. David T. Mittelman for Commerce: Regarding the first part of the bill, the committee does not feel this exemption will have a significant impact in attracting new insurance companies; administrative fund payments rank near the bottom of reasons for an insurance company located in-state. Regarding the second part of the bill, the committee has numerous technical and policy concerns that need to be addressed before this provision is ripe for legislation. Vote 17-2.  
Adopted.

### SUSPENSIONS OF RULES

Rep. Metzger moved that the Rules be so far suspended as to permit public hearings without the required notice on **HB 811**, legalizing, ratifying, and confirming actions, votes, and proceedings of the annual meetings of the North Walpole village district and the town of Bartlett, and **HB 812**, relative to the Melendy Pond Authority of Brookline, New Hampshire.

Adopted by the necessary two-thirds.

Rep. Kurk moved that the Rules be so far suspended as to permit public hearings without the required notice on **SB 155**, requiring the division of educational improvement, department of education, to prepare and adopt a plan for providing special education to inmates in the state prison system and county correctional facilities, **SB 203**, deleting the state prison and adding county correctional facilities to the provisions relating to incarcerated educationally disabled children, and **SB 212**, declaring a member of the retirement system on leave under the Family and Medical Leave Act to be in service for purposes of death or disability benefits.

Adopted by the necessary two-thirds.

### RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 20, 1997 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 17**, restricting check collection charges by creditors and debt collectors.

**SB 82**, relative to determination of reasonable compensation for certain trustees.

**SB 129**, relative to manufactured housing deeds.

**SB 6**, relative to real estate appraisers.

**SB 124**, relative to the imposition of fines by the state board of licensure for land surveyors.

**SB 47-FN**, continuing the marital guardian ad litem recovery program in the unit of cost containment, office of the commissioner of administrative services.

**SB 64-FN-A**, exempting motor fuel used for automobile racing from road toll taxation.

**SB 75**, regulating beer festivals and requiring beer festival promoters to obtain a single event license for a fee from the liquor commission to hold a beer festival.

**SB 176**, relative to late payment of the legacies and successions tax.

**SB 183-FN**, relative to liquor licenses for a sports/entertainment complex.

**SB 36**, relative to incarcerated convicted persons receiving workers' compensation payments.

**SB 98-FN**, relative to the submission of youth employment certificates to employers.

**SB 44**, establishing a committee to study the building of a state-owned liquor store in the city of Keene.

**SB 16**, relative to drinking water rules for public water systems.

**SB 153**, requiring a check-off box on a driver's license application form relative to having the social security number indicated on the driver's license.

**SB 18**, relative to the sale of certain items at flea markets.

**SB 94-L**, relative to the financing of the New Hampshire civic center commission.

**SB 41**, relative to the time for filing requests for a hearing with the department of labor concerning violations of the whistleblower protection act.

**SB 143**, authorizing a municipality to change the date for filing for an elderly exemption.

**SB 19**, establishing a committee to study the environmental impact of businesses extracting water from the state's resources for sale.

### UNANIMOUS CONSENT

Rep. Mirski addressed the House.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 3:15 p.m.

### RECESS

### (Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 21**

Tuesday, May 20, 1997

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

We give thanks to You, O God, for Your power and for Your peace; for the strong but loving pressure of Your will, and for the deep and tranquil spirit which is Your presence. Grant us the wisdom to welcome Your grace, so that through our varied labors we may bring clarity out of confusion, and hope out of despair. In Your name we pray. Amen.

Rep. Noyes led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Avery, Julie Brown, DePecol, Feng, O'Connell, Murphy, Musler, Irene Pratt and Paul Taylor, the day, illness.

Reps. Abbott, Barry, Case, Cobbin, Dokmo, Dowling, Ginsburg, Haettenschwiller, Hall, Langer, Lindblade, Lynch, Neil Reardon, Steere, Ann Torr, Tufts and Weatherspoon, the day, important business.

Reps. Mary Brown, Carson and Morrill, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Mit Boyle and Harriet Cope, guests of Rep. Clay. Former N.H. Rep. Roger Beliveau, guest of Rep. Langone. Marylou Nowe and Lionel and Sylvia Lanouette, wife and guests of Rep. Nowe.

**SPECIAL GUESTS**

The Coe-Brown Northwood Academy 1997 Class M Championship boys' varsity basketball team, guests of Rep. Robert Johnson and the House.

**SENATE MESSAGES****CONCURRENCE**

**HB 51-FN-A**, extending the temporary tax rates of the meals and rooms tax, communications services tax, and real estate transfer tax through the biennium ending June 30, 1999.

**HB 53-FN-A**, relative to electronic data submission under the meals and rooms tax.

**HB 102-L**, relative to school employee background investigations.

**HB 136**, relative to the division of fire standards and training and the fire standards and training commission.

**HB 144-FN**, relative to cash incentives paid to servants and agents, excluding commission employees, authorized to sell tickets.

**HB 257**, offering priority to qualified veterans for participation in training programs funded by the state or federal government.

**HB 261**, recodifying the insurance laws pertaining to hospital service corporations, medical service corporations, and nonprofit health service corporations (Blue Cross/Blue Shield).

**HB 291**, relative to the use of the terms "native," "local," and "our own" when referring to farm products.

**HB 399-L**, changing the name of the optional property tax exemption for the totally and permanently disabled.

**HB 401**, repealing the prospective repeal of the healthy kids corporation.

**HB 402**, relative to the use of revenues of the fish and game department.

**HB 501**, including blindness in the special education provisions, and allowing attorneys to act as neutrals in special education dispute resolution.

**HB 525**, relative to Braille instruction for functionally blind pupils.

**HB 571-FN-A**, relative to full funding of services to developmentally disabled persons.

**HB 671-A**, establishing a committee to study the organization, structure, and administration of the department of fish and game, and making an appropriation therefor.

**HB 708**, extending the reporting date for the committee studying the issues surrounding the definition of "facility" for the purposes of eligibility for certain property tax exemptions.

### CONCURRENCE WITH AMENDMENTS

**SB 5**, relative to deposits and investments by trustees of town trust funds in credit unions and in mutual funds.

**SB 16**, relative to drinking water rules for public water systems.

**SB 17**, restricting check collection charges by creditors and debt collectors.

**SB 19**, establishing a committee to study the environmental impact of businesses extracting water from the state's resources for sale.

**SB 38**, relative to certain activities under the workers' compensation law.

**SB 64-FN**, exempting motor fuel used for automobile racing from road toll taxation.

**SB 75-FN**, regulating beer festivals and requiring beer festival promoters to obtain a single event license for a fee from the liquor commission to hold a beer festival.

### REREFERRED TO COMMITTEE

**HB 716-FN**, relative to economic development and retention rates and special contracts.

### NONCONCURRENCE

**HB 268**, relative to the Pease development authority.

**HB 470**, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

### NONCONCURS WITH AMENDMENTS

#### REQUESTS COMMITTEE OF CONFERENCE

**SB 4**, relative to patient information.

The President appointed Sens. Katherine Wheeler, Squires and Danais.

Rep. Emerton moved that the House accede.

Adopted.

The Speaker appointed Reps. Calvert, Case, Batula and French.

**SB 189-FN-L**, authorizing the department of safety to issue driver's licenses to certain aliens.

The President appointed Sens. Patenaude, Whipple and Rubens.

Rep. Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. John Flanders, Malcolm, Peter Cote and Veazey.

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 165**, establishing a committee to study withdrawal from cooperative school districts. (Amendment printed SJ 10, 3/27/97)

Rep. Belvin moved that the House concur and spoke in favor.

Adopted.

**HB 230**, establishing a committee to study the school building aid system. (Amendment printed SJ 10, 3/27/97)

Rep. Belvin moved that the House concur and spoke in favor.

Adopted.

**HB 258-FN**, requiring financial institutions to display certain information on fees, charges, and available products in their lobbies. (Amendment printed SJ 16, 5/8/97)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 327**, relative to pledges for loans, finance charge disclosure statements, debt adjusters, and consumer credit transactions. (Amendment printed SJ 16, 5/8/97)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 448**, relative to the trust fund for the prevention of child abuse and neglect. (Amendment printed SJ 14, 4/30/97)

Rep. Woods moved that the House concur and spoke in favor.

Adopted.

**HB 450**, relative to accessing directory information as defined by the Family Educational Rights and Privacy Act. (Amendment printed SJ 11, 4/3/97)

Rep. Belvin moved that the House nonconcur and request a Committee of Conference.

Rep. Belvin spoke in favor.

Adopted.

The Speaker appointed Reps. Belvin, Snyder, Searles and Dearborn.

**HB 528**, relative to municipal water, gas and electric utilities. (Amendment printed SJ 17, 5/13/97)

Rep. Jeb Bradley moved that the House concur and spoke in favor.

Adopted.

### REMARKS

Rep. Burling moved that the remarks made by Rep. Jeb Bradley be printed in the Journal.

Adopted.

Rep. Bradley: Thank you very much, Madam Speaker. This is a very simple change in a complicated statute which will allow municipalities, with a two-thirds vote and a presumption of public interest, to take over electric and other utility's plant and property. The Senate just expanded, by use of the word "person", who may supply a municipality with its power. It is a very simple change and it was non-controversial. The second Senate amendment says that any proceeding in front of the Public Utilities Commission is not impacted by passage of this legislation as that would be a retroactive event. Clearly, that is a legal case and it does not impact anything in this bill. Thank you, Madam Speaker.

### SENATE MESSAGES (CONT'D.)

**HB 580-FN**, providing that the proper place for filing security interests on manufactured housing is in the office where mortgages or real estate are filed or recorded. (Amendment printed SJ 16, 5/8/97)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HJR 2**, urging the members of Congress to support and pass the Family Forestland Preservation Tax Act. (Amendment printed SJ 16, 5/8/97)

Rep. Edwin Smith moved that the House concur and spoke in favor.

Adopted.

### ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 252**, relative to posting of bylaws in advance of any town election.

The President appointed Sens. Gordon, Barnes and John King.

### ENROLLED BILL AMENDMENTS

**HB 140**, relative to the sale of apples and relative to maple syrup and sap hydrometers and orders issued by the commissioner for noncompliance with the laws regulating maple and honey products.

#### Amendment (0002-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the sale of apples and relative to maple sap and syrup hydrometers and orders issued by the commissioner of agriculture, markets, and food for noncompliance with the laws regulating maple and honey products.

Amend the bill by replacing paragraph II of section 3 with the following:

II. RSA 429:18, relative to the testing of maple sap and syrup hydrometers.  
Adopted.

**HB 277**, relative to the option to process absentee ballots before closing of polls.

**Amendment (0004-EBA)**

Amend the title of the bill by replacing it with the following:  
AN ACT relative to processing absentee ballots.  
Adopted.

**HB 296**, relative to airways toll moneys and aircraft operating fee revenues.

**Amendment (0001-EBA)**

Amend RSA 422:41 as inserted by section I of the bill by replacing it with the following:  
422:41 Disposition of Revenue. All fees, fines, or other income received under the provisions of this chapter shall be paid by the department to the state treasurer [~~to be deposited into the general fund~~] *except as provided in RSA 422:42.*  
Adopted.

**HB 315-L**, expanding the financial powers of village districts and repealing state law governing the water department of the town of Lisbon to accommodate the transfer of the duties of the board of water commissioners to the board of selectmen adopted by the Lisbon town meeting.

**Amendment (0006-EBA)**

Amend RSA 31:95-e, I as inserted by section 2 of the bill by replacing line 2 with the following:  
board of selectmen *or board of commissioners* to accept gifts of personal property, other than money,  
Adopted.

**HB 425**, relative to the regulation of pharmacists.

**Amendment (0003-EBA)**

Amend section 2 of the bill by replacing line 3 with the following:  
XIX-a. "TOEFL" is the Test of English as a Foreign Language, as administered by  
Adopted.

**HB 539-L**, relative to the tax lien process for quarterly tax bills in the city of Concord.

**Amendment (0005-EBA)**

Amend section 1 of the bill by replacing line 2 with the following:  
Quarterly Tax Bill. Amend 1994, 203:1 by inserting after paragraph V the following new paragraph:  
Adopted.

**HB 650**, relative to limited liability companies.

**Amendment (0007-EBA)**

Amend RSA 304-B:16-a, IX as inserted by section 14 of the bill by replacing line 7 with the following:  
foregoing sentence shall be effective at the effective time and date of the merger. The provisions of this

Amend RSA 304-B:16-o, II(b) as inserted by section 14 of the bill by replacing lines 7-8 with the following:

complying with this section following a merger with or conversion of a limited partnership, the limited partner shall commence the proceeding in superior court of the county in this state in which the last

Amend RSA 304-C:17-a, IV(c) as inserted by section 20 of the bill by replacing it with the following:

(c) The certificate required by RSA 421-B:11, II.

Amend RSA 304-C:19, I as inserted by section 22 of the bill by replacing line 4 with the following:

members, then by the consent of more than ½ by number of the members of each class or group

Amend RSA 304-C:22-l as inserted by section 23 of the bill by replacing line 2 with the following:

all costs of the proceeding, including the reasonable compensation and expenses of appraisers

Amend RSA 304-C:22-m as inserted by section 23 of the bill by replacing line 2 with the following:

a copy is delivered to the limited liability company prior to the action described in RSA 304-C:22-g,

Amend RSA 304-C:22-m, II(b) as inserted by section 23 of the bill by replacing lines 4-8 with the following:

the proper allocation. The member shall commence the proceeding in superior court of the county in which the principal office of the limited liability company (or if none, its registered office) is located, or in the case of a surviving foreign limited liability company or other entity that is complying with this section following a merger with or conversion of a limited liability company, the member shall commence the proceeding in superior court of the county in this state in which the last

Amend RSA 304-C:46, V as inserted by section 33 of the bill by replacing line 1 with the following:

V. "Assign" or "assignment" includes a transfer by gift, bequest, devise, or descent and Adopted.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 181-FN**, allowing certain prisoners to earn good conduct credits reducing such person's minimum sentence and establishing a committee to study permitting certain prisoners to be sentenced to substance abuse treatment centers, removed by Rep. Dwyer.

**SB 149**, prohibiting state agencies managing federal programs from exceeding their statutory authority in placing restrictions on activities of the private sector, removed by Rep. Melcher.

**SB 197-FN**, relative to final dispositional orders in child protection cases, removed by Rep. Luebker.

Consent Calendar adopted.

**SB 12**, establishing a Northern New England Interstate Commission on Economic Development. OUGHT TO PASS

Rep. Martha Fuller Clark for Commerce: This bill creates a commission composed of appropriate members from New Hampshire, Maine and Vermont to ensure that on going discussions and coordinated planning with regard to future economic development in northern New England will occur on a regular basis among the three states. Furthermore, the bill now stipulates that the three respective governors shall meet at least once a year to discuss economic development. The committee voted unanimously in favor of this pro-business, pro-planning legislation. It will only become effective when all three states have enacted similar provisions. Vote 14-0.

**SB 22**, relative to health benefit plans sponsored by qualified franchise associations. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce: The Insurance Commissioner has issued a ruling that all franchises of the McDonald's Corporation which participate in the McDonald's Licensees Health & Welfare Plan maintained by the National Operators Advisory Board, Inc., are considered to participate in a large employer plan and therefore such franchises are not subject to the community rating provision of the New Hampshire statute RSA 420-G. This fulfills the intent of SB 22. Therefore, the bill is unnecessary and consequently we have recommended Inexpedient to Legislate. A full report on community rating is pending from the Insurance Department and this ruling avoids any amendment to law before that report is presented. Vote 19-0.

**SB 100-FN**, establishing a New Hampshire film and television commission. RE-REFER TO COMMITTEE

Rep. Tim S. McGough for Commerce: This bill would establish the New Hampshire Film and Television Commission. The committee voted to re-refer in order to resolve questions that arose during subcommittee discussion. The committee would like to study the make-up of this commission and determine its necessity to avoid overlap with efforts underway already. Vote 13-0.

**SB 104**, relative to rate setting for purposes of automobile insurance and homeowners insurance. OUGHT TO PASS WITH AMENDMENT

Rep. Gregory G. Carson for Commerce: This bill adds language to the definition of unfair discrimination under unfair methods, acts and practices in the business of insurance. The bill prohibits charging higher premiums for auto and home owners insurance solely on the basis of information obtained from a credit rating, a credit history or a credit scoring model. Vote 13-1.

#### **Amendment (1305h)**

Amend RSA 417:4, VIII(g) as inserted by section 1 of the bill by replacing it with the following:

(g) Charging a higher premium for private passenger automobile or homeowner insurance solely on the basis of information obtained from a credit rating, a credit history, or a credit scoring model.

#### **AMENDED ANALYSIS**

This bill includes in the definition of unfair discrimination, under unfair methods, acts and practices in the business of insurance, the practice of charging a higher premium for private passenger automobile or homeowner insurance solely on the basis of information obtained from a credit rating, a credit history, or a credit scoring model.

**SB 105**, relative to rent collection upon delinquency in payment of common expenses by condominium unit owners. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce: Condominium associations have long been at a disadvantage in collecting dues from delinquent, absentee unit owners. This bill enables associations to collect directly the rent due, after notification to the delinquent owner. This avenue of redress is available to the associations after acceptance of this method of collecting from delinquent owners. Delinquent owners are afforded a 60 day grace period, plus a further 30 days after notification. Financial institutions' primary position as holders of first mortgages is protected. Vote 14-0.

#### **Amendment (1259h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Rent Collection Upon Delinquency in Payment of Common Expenses. Amend RSA 356-B by inserting after section 46 the following new section:

356-B:46-a Rent Collection Upon Delinquency in Payment of Common Expenses. On and after January 1, 1998:

I. If a unit owner fails to pay the common expenses assessed to the unit by the unit owners' association within 60 days of the date it was due, the unit owners association may, as a separate and additional remedy, subject to the existing rights of a holder of a first mortgage of record as provided in this section, collect from any tenant renting the unit any rent then or thereafter due to the owner of such unit. The unit owners' association shall apply such rent collected against the amount owed to it by the unit owner. Prior to taking any action under this paragraph, the unit owners' association shall give to the delinquent unit owner written notice of its intent to collect the rent owed. Such notice shall be sent by both first class and certified mail, shall set forth the exact amount the unit owners' association claims is due and owing by the unit owner, and shall indicate the intent of the association to collect such amount from rent, along with any other amounts which become due within the current fiscal year and which remain unpaid. A copy of such notice shall be provided to any first mortgagee of record on such unit who has previously requested in writing that the unit owners' association notify it of any delinquency in the payment of amounts due to it by the owner of such unit.

II. The unit owner shall have 30 days from the date of mailing of such notice to pay the amounts due, including collection costs, or to provide proof of the prior payment of the assessments due. No unit owner shall be entitled to withhold payment of assessments due, off-set against the same, or make any deduction therefrom without first obtaining a determination by a court of competent jurisdiction that the assessment was unlawful.

III. If the unit owner fails to timely file a response in compliance with paragraphs I and II, the unit owners' association may notify and direct each tenant renting such unit from such owner to pay all or a portion of the rent otherwise due by such owner to the association, such rent or portion of such rent to be in the amount the association claimed is due on its notice to the unit owner or the full rent, whichever is less. The association shall have a continuing right to collect any rent otherwise payable by the tenant to such unit owner until such amount, plus any charges thereafter becoming due, are satisfied in full. Nothing in this section shall preclude the unit owner from seeking equitable relief from a court of competent jurisdiction or seeking a judicial determination of the amount owed. Nothing in this section shall prevent the unit owners' association from bringing an action under this chapter or to otherwise establish the amount owed to it by the unit owner or otherwise to seek and obtain an order requiring the tenant in such unit, or tenants in other units owned by the unit owner in the condominium, to pay to the association rent otherwise due to the unit owner or otherwise limit the unit owner's association's rights at common law.

IV. In no event shall a unit owner take any retaliatory action against any tenant who pays rent, or any portion of rent, to the unit owners' association as provided in this section. Any tenant so paying rent shall not be deemed in default on the rent to the extent of the payment to the association. Any waiver of the provisions of this section in any lease or rental agreement shall be void and unenforceable as against public policy.

V. Notwithstanding any other provision of this chapter, a vote of a majority of those attending an annual meeting of the unit owner's association, in person or by proxy, shall be necessary to adopt the provisions of this section as a part of the association's declaration or bylaws or both.

2 Compliance with Condominium Instruments. Amend RSA 356:15 to read as follows:

356-B:15 Compliance with Condominium Instruments.

I. The declarant, every unit owner, and all those entitled to occupy a unit shall comply with all lawful provisions of this chapter and all provisions of the condominium instruments. Any lack of such compliance shall be grounds for an action or suit to recover sums due, for damages or injunctive relief, or for any other remedy available at law or in equity, maintainable by the unit owners' association, or by its board of directors or any managing agent on behalf of such association, or, in any proper case, by one or more aggrieved unit owners on their own behalf or as a class action.

*II. The unit owners' association shall be entitled to all costs and attorneys' fees incurred in any proceeding under RSA 356-B:15, I.*

3 Effective Date. This act shall take effect January 1, 1998.

#### AMENDED ANALYSIS

This bill:

I. Allows a condominium unit owners' association to collect rents from the tenant of a unit to offset common expenses assessed to the unit in the event that the unit owner fails to pay the common expenses assessed to the unit.

II. Holds harmless any tenant who pays rent or a portion of rent to the unit owners' association, rather than to the unit owner, in compliance with the provisions of the bill.

III. Provides for the association's recovery of its attorneys' fees and costs incurred in enforcing RSA 356-B:15, I.

**SB 121**, authorizing state-chartered financial institutions to engage in certain insurance activities. INEXPEDIENT TO LEGISLATE

Rep. Gregory G. Carson for Commerce: The provisions for New Hampshire state chartered banks to sell insurance had been dealt with and passed in HB 799. This bill is not necessary at this time. Vote 12-1.

**SB 122**, establishing a commission to examine the effects of the managed care industry on those belonging to the disabled and the mental health communities OUGHT TO PASS WITH AMENDMENT Rep. Martha Fuller Clark for Commerce: During the current legislative session, the committee heard several pieces of legislation which raised many questions regarding managed care and its impact on all the residents of New Hampshire. The amendment to SB 122 replaces the original language, which called for a large commission to look at various aspects of health care, with a legislative study committee which will examine the following health care concerns related to managed care: 1) access to and availability of specialists and special needs providers, 2) the impact of managed

care upon new populations now being served, especially Medicare and Medicaid recipients, 3) availability and affordability of health insurance, particularly small groups and individuals since the enactment of RSA 420-G:6, and 4) the question of a need to provide an external grievance mechanism regarding consumers' complaints. This study is critical to understanding the changing nature of health care and health care insurance in the state. Hopefully, it will result in the compilation of useful data which can be used to shape new legislative initiatives in the health care insurance arena. Vote 12-1.

### **Amendment (1356h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study health care issues related to managed care.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study health care issues related to managed care.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the following issues:

I. The accessibility and availability of specialists and special needs providers in managed care health plans.

II. Issues relating to the impact of managed care upon new populations now being served, especially medicare and medicaid recipients.

III. Issues relating to the availability and affordability of health insurance in the small group and individual markets subsequent to the health insurance reforms established in RSA 420-G.

IV. Whether there exists a need for a mechanism to provide external grievance procedures regarding consumer's complaints.

4 Chairperson; Quorum. The first meeting of the study committee shall be called by the first-named senator. The first meeting shall be held within 30 days after the effective date of this section. Four members of the committee shall constitute a quorum.

5 The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

6 Effective Date. This act shall take effect upon its passage.

### **AMENDED ANALYSIS**

This bill establishes a committee to study health care issues related to managed care.

**SB 135**, adopting the uniform "transfer on death" security registration act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill enacts the Uniform Transfer on Death Security Registration Act allowing an individual to designate a beneficiary to be paid upon death and therefore avoid probate. Vote 15-0.

### **Amendment (1288h)**

Amend RSA 563-C:2 as inserted by section 1 of the bill by replacing it with the following:

563-C:2 Definitions. In this chapter:

I. "Beneficiary form" means a registration of a security which indicates the present owner of the security and the intention of the owner regarding the person who will become the owner of the security upon the death of the owner.

II. "Person" means an individual, corporation, organization, or other legal entity.

III. "POD" means "pay on death."

IV. "Register", including its derivatives, means to issue a certificate showing the ownership of a certified security or, in the case of an uncertificated security, to initiate or transfer an account showing ownership of securities.

V. "Registering entity" means a person who originates or transfers a security title by registration, and includes a broker maintaining security accounts for customers and a transfer agent or other person acting for or as an issuer of securities.

VI. "Security" means a share, participation, or other interest in property, in a business, or in an obligation of an enterprise or other issuer, and includes a certificated security, an uncertificated security, and a security account.

VII. "TOD" means "transfer on death."

VIII. "Security account" means:

(a) A reinvestment account associated with a security, a securities account with a broker, a cash balance in a brokerage account, cash, interest, earnings, or dividends earned or declared on a security in an account, a reinvestment account, or a brokerage account, whether or not credited to the account before the owner's death; or

(b) A cash balance or other property held for or due to the owner of a security as a replacement for or product of an account security, whether or not credited to the account before the owner's death.

Amend RSA 563-C:9 as inserted by section 1 of the bill by replacing it with the following:  
563-C:9 Protection of Registering Entity.

I. A registering entity is not required to offer or to accept a request for security registration in beneficiary form. If a registration in beneficiary form is offered by a registering entity, the owner requesting registration in beneficiary form assents to the protections given to the registering entity by this chapter.

II. By accepting a request for registration of a security in beneficiary form, the registering entity agrees that the registration will be implemented on death of the deceased owner as provided in this chapter.

III. A registering entity is discharged from all claims to a security by the estate, creditors, heirs, or devisees of a deceased owner if it registers a transfer of the security in accordance with RSA 563-C:8 and does so in good faith reliance:

(a) On the registration;

(b) On this chapter; and

(c) On information provided to it by affidavit of the personal representative of the deceased owner, or by the surviving beneficiary or by the surviving beneficiary's representatives, or other information available to the registering entity.

IV. The protections of this chapter do not extend to a registration or payment made after a registering entity has received written notice from any claimant to any interest in the security objecting to implementation of a registration in beneficiary form. No other notice or other information available to the registering entity affects its right to protection under this chapter. The protection provided by this chapter to the registering entity of a security does not affect the rights of beneficiaries in disputes between themselves and other claimants to ownership of the security transferred or its value or proceeds.

Amend RSA 563-C:11, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Multiple owners-primary and secondary (substituted) beneficiaries: John S Brown Mary B Brown JT TEN TOD John S Brown Jr SUB Peter Q Brown; or John S Brown Mary B Brown JT TEN TOD John S. Brown Jr LDPS.

**SB 139**, authorizing banks to invest trust funds in bank-affiliated investments. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce: This bill brings New Hampshire into conformity with every other state by expanding a trustee's scope of investment opportunities to include certain mutual funds. In so doing, trust funds can benefit from greater asset diversification and economies of scale. To prevent potential abuses, the bill contains stringent provisions for mandatory disclosure, non-layering of fees, and retention of fiduciary duties. Vote 15-0.

#### **Amendment (1286h)**

Amend RSA 384:65 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. Notwithstanding paragraphs I-IV, no bank authorized to exercise trust powers in this state which is acting as a fiduciary shall purchase for the fiduciary estate any bond or other security

issued by such bank or an affiliate thereof, unless the bank is expressly authorized to do so by the terms of the instrument creating the trust, a court order, the written consent of the grantor of the trust, or the written consent of the beneficiaries of the trust.

**SB 178-FN**, regulating managed care systems of health care delivery. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: This bill establishes a process for grievance review when a covered insured has a problem with an HMO. This bill also designates the NH Department of Insurance, as an external source, to ensure that HMO's do indeed follow the proper grievance procedure. The amendments add additional consumer protection. Vote 13-0.

**Amendment (1425h)**

Amend RSA 420-J:1 as inserted by section 1 of the bill by replacing it with the following:

420-J:1 Purpose and Intent. The purpose and intent of this chapter is to provide standards for certain fundamental operations of licensed entities providing health insurance through a managed care system of health care delivery and reimbursement. The establishment of these standards will ensure regulatory and quality consistency among the several and various licensees offering managed care type benefit plans and will enable consumers to make informed decisions in their relationships with managed care insurers. This chapter is intended to apply only to those insurers offering managed care plans. It is not intended to apply to traditional indemnity systems of reimbursement and fee-for-service forms of health care expense coverage. Health insurers which do not significantly limit covered persons' choices of providers shall not be subject to this chapter.

Amend RSA 420-J:3, XVI as inserted by section 1 of the bill by replacing it with the following:

XVI. "Emergency services" means health care services that are provided to an enrollee, insured, or subscriber in a licensed hospital emergency facility by a provider after the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity that the absence of immediate medical attention could be expected to result in any of the following:

- (a) Serious jeopardy to the patient's health.
- (b) Serious impairment to bodily functions.
- (c) Serious dysfunction of any bodily organ or part.

Amend RSA 420-J:5, II as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraphs:

- (c) Upon written denial of a requested medical service or claim by the health carrier, a statement of the covered person's right to access the internal grievance process.
- (d) Staff assistance in filing a grievance.

Amend RSA 420-J:5, V(a)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) The review panel shall issue a written decision to the covered person within 5 business days of completing the review meeting. Upon concurrence of the covered person, a copy of the decision shall be forwarded to the insurance department. The decision shall include the titles of the members of the review panel; a statement of the review panel's understanding of the nature of the grievance, including issues raised by the covered person, and all pertinent facts; the rationale for the review panel's decision; reference to evidence or documentation considered by the review panel in making the decision; if an adverse decision is made, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; and a statement of the covered person's right to file an external appeal as provided in RSA 420-J:5, VIII.

Amend RSA 420-J:5, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. An external process at the department shall be available to ensure that the health carrier has provided to the covered person grievance procedures consistent with this section and any additional procedures of the health carrier described pursuant to RSA 420-J:5, II. A written decision following the external review process shall be made available to the covered person.

**SB 211-FN**, making technical changes under the motor vehicle financial responsibility laws, insurance fraud laws, and laws regulating managing general agents, reinsurance intermediaries, and third party administrators. **OUGHT TO PASS**

Rep. Gregory G. Carson for Commerce: This legislation makes technical changes under the motor vehicle financial responsibility laws, insurance fraud laws and laws regulating managing general agents, reinsurance intermediaries and third party administrators. Vote 14-0.

**SB 71-FN**, establishing a committee to identify and study statutes and ordinances in cases in which the penalty is not specified by statutes and clarifying the right to a jury trial in cases in which a civil penalty is imposed for a violation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The committee made a minor change in section 2 of the bill to let people know that if they are subject to a civil penalty of more than \$1500, they have the right to appeal to the superior court for a trial de novo. We also supported establishing a committee to study statutes and ordinances where there is no penalty imposed. Lastly, we changed the effective date, sections 1 and 2 to take effect on January 1, 1998 and the remainder, which is the study committee, on passage. Vote 15-0.

#### **Amendment (1290h)**

Amend RSA 592-A:2-b as inserted by section 2 of the bill by replacing it with the following:  
592-A:2-b Jury Trial. Trial by jury shall not be afforded in the superior court for any violation as defined in RSA 625:9, except upon ~~[an appeal pursuant to RSA 599:1 of]~~ *being subject to* the imposition of a civil penalty which aggregates the total fines and penalties for a violation to an amount in excess of ~~[\$500]~~ *\$1,500 in which case an appeal may be taken in the same manner as is provided for class A misdemeanor convictions under RSA 599:1.*

Amend the bill by replacing section 8 with the following:

8 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 1998.

II. The remainder of this act shall take effect upon its passage.

**SB 102-FN**, relative to the possession of certain weapons in the commission of a violent crime. **RE-REFER TO COMMITTEE**

Rep. Randy L. Lyman for Criminal Justice and Public Safety: The incident that precipitated this proposed change to RSA 159:15 was an abuse of the statute. The bill attempts to make clear the intent of the statute which makes possession of certain weapons an additional charge when an individual is arrested for an "offense against the state." SB 102 falls short of its goal and the committee has agreed to study the issue further. The Attorney General's Office did not support or oppose SB 102, but suggested it could be improved. Vote 14-0.

**SB 70**, establishing a committee to examine campaign finance reform. **OUGHT TO PASS WITH AMENDMENT**

Rep. David R. Boutin for Election Law: The Election Law Committee believes that campaign finance reform is a very important subject matter that deserves careful consideration by a joint house/senate study committee for the purpose of formulating a policy framework that will permit a reasoned debate of campaign finance reform issues in both houses of the legislature during the second half of the biennium. Vote 12-1.

#### **Amendment (1445h)**

Amend subparagraphs I(a)-(b) as inserted by section 2 of the bill by replacing them with the following:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

Amend section 4 of the bill by replacing it with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 7 days of the effective date of this section. Four members of the committee shall constitute a quorum.

**SB 145-L**, relative to the definition of "open space land" for purposes of current use taxation. **RE-REFER TO COMMITTEE**

Rep. M. Kathryn Aranda for Environment and Agriculture: This bill addresses the tax classification of watershed protection and water supply property which is owned by one municipality and located in a different municipality. This bill would have re-classified such land as "open-space" under the current use taxation program. This simple change will have substantial consequences for many towns, so the committee would like to study the issue before going forward with it. Vote 15-1.

**SB 68-FN-L**, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty. RE-REFER TO COMMITTEE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would provide health insurance from state funds for members of the family of local officials killed in the line of duty. There are still many unanswered questions remaining about the bill. The bill makes membership in the New Hampshire Retirement System mandatory for this benefit. The definition of the cause of death may be deficient given the possibility of death from infection incurred entirely in performance of duty. Due to the many questions and limited time, the committee voted to Re-Refer in an attempt to answer the many questions. Vote 14-1.

**SB 29**, establishing a pet overpopulation trust. OUGHT TO PASS

Rep. Mary E. Brown for Finance: This bill sets up a non-lapsing dedicated fund called the "Companion Animal Neutering Fund." HB 2 also dedicates this fund as the "Animal Population Control Fund." The result of passing this bill is to effect the name change and assure its sponsors the intent to set up a dedicated fund will survive the budgeting process. Vote 16-3.

**SB 54-FN**, relative to gainful occupation of disability beneficiaries in the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill was amended to limit funding for creditable service of teachers in job-sharing status from the New Hampshire retirement system special fund. The bill extends the provision for granting full creditable service for teachers in job-sharing status to three years while excluding from earnable compensation any compensation paid later than 120 days after termination of employment from a retirement-eligible position. Vote 17-0.

#### Amendment (1460h)

Amend the bill by replacing section 4 with the following:

4 Funding. Any increase in retirement system pension liabilities due to an increase in the state annuity payable to a disability beneficiary pursuant to section 2 of this act shall be terminally funded from the special account established by RSA 100-A:16, II(h).

**SB 182-FN**, relative to the administration, operation, and maintenance of the New Hampshire state veterans cemetery. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill places the operation of the New Hampshire state veterans cemetery into the authority of the Adjutant General. The bond authorization is increased to \$1,600,000 for the New Hampshire share of the construction. The amendment appropriates \$150,000 for FY 98 and \$200,000 for FY 99 for operating costs. The date for the final report of the oversight committee is extended to November 1, 1997. Vote 19-0.

#### Amendment (1428h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the administration, operation, and maintenance of the New Hampshire state veterans cemetery, extending the reporting dates and the prospective repeal date for the state veterans cemetery oversight committee, and making appropriations therefor.

Amend the bill by replacing all after section 5 with the following:

6 Appropriation; Adjutant General. The sum of \$150,000 for the fiscal year ending June 30, 1998, and the sum of \$200,000 for the fiscal year ending June 30, 1999, are appropriated to the adjutant general for operating costs of the state veterans cemetery. Of the total sum appropriated for fiscal year 1998, \$97,500 shall be from general funds and \$52,500 shall be from other funds. Of the total sum appropriated for fiscal year 1999, \$95,000 shall be from general funds and \$105,000 shall be from other funds. Operating costs for which these appropriations shall be expended shall include full-time permanent and part-time temporary personnel, equipment, maintenance, and other expenses for startup of the state veterans cemetery. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

7 Effective Date.

I. Sections 1 and 6 of this act shall take effect July 1, 1997.

II. The remainder of this act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill designates the adjutant general to administer, operate, and maintain the New Hampshire state veterans cemetery, which shall be located in Boscaawen.

This bill appropriates funds to make up a shortfall in the state matching share necessary to receive federal funds for the construction of the state veterans cemetery. The bill also appropriates funds for operating costs of the cemetery.

The bill also extends the final reporting date and the prospective repeal date for the state veterans cemetery oversight committee to June 30, 1998.

**SB 212-FN**, declaring a member of the retirement system on leave under the Family and Medical Leave Act to be in service for purposes of death or disability benefits. **OUGHT TO PASS**  
Rep. Arthur P. Klemm, Jr. for Finance: This bill allows members of the New Hampshire Retirement System on leave under the provisions of the Family and Medical Leave Act to be considered in service for purposes of eligibility for death or disability benefits. The Finance Committee agreed that the impact would be less than \$10,000 per year. Vote 18-0.

**SB 213-FN-A**, establishing a fund for loans to rehabilitate class III railroads and cog railroads and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**  
Rep. David J. Alukonis for Finance: The Finance Committee amendment changes language in the bill in order to better integrate certain fiscal issues with Chapter 338 of the Laws of 1994 — the statute which created the railroad rehabilitation revolving fund. Additionally, the committee amendment strengthens the state's security interest in the improved property. Vote 18-2.

**Amendment (1415h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a revolving fund for loans to rehabilitate class III railroads and cog railroads.

Amend the bill by replacing all after section 2 with the following:

3 New Section; Rehabilitating Class III Railroads and Cog Railroads; Revolving Loan Fund; Bonds Authorized. Amend RSA 228 by inserting after section 66 the following new section:

228:66-a Rehabilitating Class III Railroads and Cog Railroads; Revolving Loan Fund; Bonds Authorized.

I. There is established in the office of the state treasurer a fund to be known as the class III railroad and cog railroad capital rail line rehabilitation and equipment revolving loan fund which shall be kept separate and distinct from all other funds. Moneys in the fund shall be nonlapsing and shall be continually appropriated to the bureau of rail and transit, department of transportation, and shall be spent on rehabilitating the rail lines and the purchasing of equipment of class III railroads and cog railroads, which rail lines, equipment, and railroads shall meet the requirements of the benefit/cost analysis prepared by the department of transportation's bureau of rail and transit. Loans provided to operators of class III railroads and cog railroads for rehabilitating the rail lines and equipment purchases shall be approved by the governor and council.

II. The operator of the class III railroad or cog railroad provided a loan under this section shall be required to furnish assurance by signed agreement with the state to continue utilization of the line involved on an annual basis at a tonnage level of at least 80 percent of their annual tonnage average over the 3 years preceding the agreement, provided that enforcement of such assurance shall be preceded by a finding by the commissioner that any shipping rate increases during such period are reasonable, or a continued utilization of the line involved on an annual basis at a passenger level of at least 80 percent of their prior 3 years preceding the agreement.

III. The operator of the class III railroad or cog railroad shall repay any loan funded pursuant to paragraph I on such terms and conditions as are recommended by the bureau of rail and transit, department of transportation. The term of the loan shall be no less than 5 and no longer than 20 years and shall, to the extent possible and consistent with this section, be determined so as to match the useful life of the improvements funded by the loan. The terms and conditions shall be contained in the binding agreement between the state and the operator of the class III railroad or cog railroad and shall be sufficient to fully reimburse the state for the principal and interest payments on that portion of the bonds authorized to fund the loan. All money received through reimbursement shall be deposited by the state treasurer in the class III railroad and cog railroad capital rail line rehabilitation and equipment revolving loan fund.

IV. A lien on the property and equipment of the class III railroad or cog railroad including the improved property or equipment shall be created in favor of the state in an amount which equals the sum of principal and interest to be repaid by the operator of the class III railroad or cog railroad. The lien shall be recorded in the registry of deeds of the county or counties in which the improved property is situated and shall not supersede any pre-existing lien created by a mortgage affecting such property. The lien shall expire only when the loan has been fully repaid.

V. To provide funds for the revolving loan fund established pursuant to this section, the state treasurer, as may be requested from time to time by the bureau of rail and transit, department of transportation, is authorized to borrow from time to time upon the credit of the state such amounts so that the total state obligation shall at no time exceed \$4,000,000 and for said purposes may issue bonds and notes at such time in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The department shall request and the treasurer shall issue bonds only for such amounts from time to time as are required for the purposes of this section and provided that the principal and interest payments can be satisfied from existing sums in the fund established in paragraph I.

VI. The payments of principal and interest on the bonds issued under paragraph V shall be made when due from the special fund established by paragraph I.

VII. For the purpose of this section, a "class III railroad" shall be a freight railroad or an intrastate passenger excursion railroad.

4 Transfer of Funds. All funds remaining in the fund established under 1994, 338:3 and 4 shall be transferred to the fund established under RSA 228:66-a.

5 Effective Date. This act shall take effect July 1, 1997.

#### AMENDED ANALYSIS

This bill establishes a fund to be used for loans to operators of class III railroads and cog railroads for rehabilitation of such railroads. The bill transfers funds from the class III railroad capital rehabilitation revolving loan fund to the class III railroads and cog railroad capital rail line rehabilitative fund and authorizes bonds to be issued by the treasurer with principal and interest paid for from the fund for the purpose of the revolving loan program. It also changes the name of the bureau of railroads and public transportation to the bureau of rail and transit.

**SB 35**, including "accessibility lift" within the definition of "elevator". OUGHT TO PASS WITH AMENDMENT

Rep. Joseph Guthrie for Health, Human Services and Elderly Affairs: This bill adds "accessibility lift" in the definition of "elevator" thereby requiring them to meet the same requirements as elevators. The amendment exempts private homes, and clarifies inspection procedures. Vote 17-0.

#### Amendment (1405h)

Amend the title of the bill by replacing it with the following:

AN ACT extending the elevator law to accessibility lifts.

Amend the bill by replacing all after the enacting clause with the following:

1 Accessibility Lifts Added. Amend RSA 157-B:1 through 157-B:5 to read as follows:

157-B:1 Title. This chapter may be called the "Elevator *and Accessibility Lift* Law."

157-B:2 Definitions. In this chapter:

I. "Owner" means a person, partnership, association, or corporation who is the holder of title to, or who leases an elevator *or accessibility lift* from the holder of title to, a building in which there is an elevator *or accessibility lift*, as defined in this section, except an elevator *or accessibility lift* for the exclusive use of the holder of title in the holder's home.

II. "Commissioner" means the labor commissioner.

III. "Standards" means regulations issued by the commissioner which establish the minimum safety requirements for elevators *and accessibility lifts* in use on or installed after January 1, 1968.

IV. "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction; or a stairway inclined lift which moves in guides in an inclined direction; and includes the doors, well, enclosures, means, and appurtenances required for its operation. *The term "elevator" shall include an accessibility lift but does not include a vertical reciprocating conveyor, a material lift, or an accessibility lift in a private residence.*

V. "*Accessibility lift*" means an inclined chair/platform lift or vertical wheelchair lift used to raise and lower a person in a wheelchair or person of limited mobility in or on a car or platform from one level to another and shall meet the requirements of the most recent version of ASME/ANSI-A 17.1 for handicap lifts.

157-B:3 New Elevators; New Accessibility Lifts. [~~The provisions of the most recent version of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators as amended are the minimum requirements for all elevators, dumbwaiters, and escalators installed after the effective date of this section. The commissioner may issue and amend reasonable and practicable standards for the safe use, alteration, repair, and inspection of all elevators installed after January 1, 1968.~~] *The provisions of the most recent version of the American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, Material Lifts and Dumbwaiters With Automatic Transfer Devices, Wheelchair Lifts and Stairchair Lifts are the minimum requirements for all elevators, dumbwaiters, escalators, and accessibility lifts installed after January 1, 1998.*

157-B:4 Existing Elevators and Accessibility Lifts.

I. The commissioner may issue and amend reasonable and practicable standards for the use, alteration, repair, operation, and inspection of all elevators *and accessibility lifts* in existence on January 1, 1968.

II. Inspections of elevators *and accessibility lifts* installed after [~~the effective date of this paragraph~~] *January 1, 1985*, shall be in accordance with the American Standard Safety Code applicable to the year installed.

157-B:5 Inspection Report and Certificates; Fee; Penalty.

I. Subsequent to the inspection of an elevator *or accessibility lift*, an inspector shall file with the commissioner an inspection report on a form prescribed by the commissioner indicating whether or not the elevator *or accessibility lift* is certifiable and shall provide a copy of the inspection report to the owner or the owner's designee. When an elevator *or accessibility lift* passes inspection, the commissioner shall furnish an inspection certificate to its owner or the owner's designee on a form prescribed by the commissioner. A fee of \$25 shall be charged for each certificate. If the fee is not paid within 30 days of the date on which the certificate is issued, the certificate shall be void.

II. If the elevator *or accessibility lift* fails the inspection, the inspector shall furnish the owner or the owner's designee an appropriate abstract of the statutory requirements and recommendations for repairs necessary to correct the deficiency.

III. Upon compliance with the recommendations of an inspector, whether by repair or replacement, the owner of an elevator *or accessibility lift* which has failed to pass inspection, or the owner's designee, shall notify the commissioner and inspector that the required repairs have been completed.

IV. The elevator *or accessibility lift* shall, at the discretion of the inspector or the commissioner, then be reinspected in accordance with this section; and, upon finding compliance with the recommendations, an inspection certificate shall be furnished to the owner or the owner's designee.

V. Certificates shall be posted in the elevator car *or accessibility lift platform* under glass or other suitable transparent cover. Certificates shall be effective for one year from the date of inspection.

VI. An owner who permits the operation of any elevator *or accessibility lift* without an effective inspection certificate in the elevator *or accessibility lift* shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

2 Accessibility Lift Added. Amend RSA 157-B:6 to read as follows:

157-B:6 Suspension of Certificate.

I. The commissioner may suspend an inspection certificate when an elevator *or accessibility lift* does not meet the requirements of the standards established under this chapter. When an inspection certificate is suspended, the owner shall not permit the use of the elevator *or accessibility lift* until a new certificate of inspection is issued for the elevator *or accessibility lift*. The commissioner shall have a notice of the suspension of the inspection certificate posted at every entrance to the unsafe elevator *or accessibility lift*, and shall have the inspection certificate removed from the elevator car *or accessibility lift platform*. The notice of suspension may be removed only by the authority of the commissioner. The commissioner shall notify the owner in writing of the suspension of the inspection certificate. The notice may be served on the owner by registered mail or otherwise.

II. The commissioner may adopt by rule the conditions to empower an elevator inspector or authorized representative of the commissioner to make an emergency suspension of the inspection

certificate for a period of not more than 24 hours, to enable the commissioner to take action on the suspension under paragraph I of this section, or to enable the owner to make repairs on the elevator *or accessibility lift*.

III. Any person who removes or defaces a notice of suspension of the inspection certificate without the authority of the commissioner shall be guilty of a misdemeanor.

3 Accessibility Lift Added. Amend RSA 157-B:8-a to read as follows:

157-B:8-a Mechanics. An elevator *or accessibility lift* mechanic shall pass an examination given by the commissioner, except in cases in which an elevator *or accessibility lift* mechanic has proven to the satisfaction of the commissioner experience in excess of 5 years within the state. A license shall be issued to the mechanic for a 2-year period. A fee of \$50 shall be charged for the initial examination and license. A license may be renewed every 2 years upon payment of a fee of \$35. Employees of the department of labor shall not be charged for the issuance or renewal of a license. A person who holds a certificate or license of competency as a mechanic ~~[of elevators from a state that has a standard of examination]~~ equal to that of this state may be issued a license without examination upon payment of a fee of \$35. The commissioner may revoke any license for cause shown, after a hearing. The holder of a license under question shall receive 7 days' written notice informing the licensee of the charges and of the time and place of the hearing.

4 Accessibility Lift Added. Amend RSA 157-B:9 to read as follows:

157-B:9 Installation of New Elevators *and New Accessibility Lifts; Fees*. Detailed plans or specifications of each new or altered elevator *or accessibility lift* shall be submitted to and approved by the commissioner or the commissioner's authorized representative before the construction of the elevator *or accessibility lift* may be started. Fee for examination of the plans or specifications is \$2 per \$1,000 of the valuation of the elevator *or accessibility lift* as covered by the blueprints. The minimum fee is \$100.

5 Accessibility Lift Added. Amend RSA 157-B:15 to read as follows:

157-B:15 Notice of Accidents; *Penalty*. The owner shall report every elevator *and accessibility lift* accident, whether or not it results in injury to a person or damage to the equipment, to the commissioner within 48 hours after its occurrence. The inspection certificate for the involved elevator *or accessibility lift* may be suspended if a qualified inspector inspects the elevator *or accessibility lift* and finds it to be unacceptable. An owner who willfully refuses or neglects to make such a report shall be fined not more than \$25.

6 Accessibility Lifts Added. Amend RSA 157-B:17 to read as follows:

157-B:17 Exception. Notwithstanding other provisions of this chapter any elevator *or accessibility lift* which is periodically inspected and tested for safety under a maintenance contract with the company which installed ~~[said]~~ the elevator *or accessibility lift* shall be exempt from the annual inspection requirements of RSA 157-B:5, so long as ~~[said]~~ the maintenance contract is effective, and the inspection certificate as provided in RSA 157-B:5 shall be posted in the elevator car *or accessibility lift platform*. Provided, however, that the other provisions of this chapter shall apply to the elevators *and accessibility lifts* covered by this exception.

7 Effective Date. This act shall take effect January 1, 1998.

#### AMENDED ANALYSIS

This bill extends the elevator law to accessibility lifts. The bill excludes accessibility lifts in private residences.

**SB 209-FN**, establishing a residential care pilot program and providing for the funding of such program. **OUGHT TO PASS**

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: This bill addresses an urgent need to equitably fund residential care for the elderly. For too long the elderly have been forced into nursing homes for approved care, many times against their better judgment. Twelve years ago the state eliminated the Federal COLA from residential care to save money. Three years ago, because of possible Federal sanctions, that annual COLA was reinstated. (After no increases occurred for eight years.) Thus, the reimbursement rate is far behind the actual costs of maintaining a resident and many facilities have closed or are refusing to take indigent residents. In many instances those residents must be placed in a less appropriate higher level of care at a much higher cost. This pilot program increases the reimbursement from \$21/day to approximately \$33/day which contrasts with approximately \$130/day in the higher level facility. It caps the number of participants at 180.

This long overdue bill satisfies the need for elderly care in a residential setting. It is the right thing to do. It is preferred by the elderly. It is workable and equally as important, it is cost effective. Most states have already passed similar legislation. Vote 17-0.

Referred to Finance.

**SB 42**, relative to the authority of the labor commissioner to revoke the license of an employee leasing company for violations of the labor laws. **RE-REFER TO COMMITTEE**

Rep. Wanda G. McNamara for Labor, Industrial and Rehabilitative Services: The committee learned during deliberations that, as drafted, this bill could close down an employee leasing company for violations by client companies. Ohio has legislation in place to deal with this, and the committee unanimously agreed we should study this and put protections in place to address this issue. Vote 14-0.

**SB 93**, relative to employees of employers who hire recipients of state assistance under the employment assistance program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lawrence V. Guaraldi for Labor, Industrial and Rehabilitative Services: This bill prohibits the New Hampshire employment or the alternative employment experience program from using participants in any way contrary to certain federal laws, and affords certain employment protection. The bill prohibits requiring a participant to work under certain subsidized employment conditions or for more than a certain number of hours, and states that participants shall be considered state employees for workers' compensation purposes only. Vote 13-1.

#### Amendment (1217h)

Amend the bill by replacing section 1 with the following:

1 New Section; Employment Program Participants. Amend RSA 167 by inserting after section 82 the following new section:

167:82-a Infringement on Rights of Other Employees Prohibited; Limited Employee Status.

I. The employment program shall not use participants in any way contrary to federal law under section 407(f) of the Social Security Act.

II. No participant in the employment program shall be required to work in subsidized employment for more hours than would be needed to produce an equivalent compensation if the participant were paid at the federal minimum wage level, unless a greater number of hours is necessary for the participant to meet federal work participation requirements.

III. Participants in the employment program shall receive the protections regarding sexual harassment and work conditions, not related to compensation and benefits, which are available to regular employees in that workplace such as safe environment, non-discrimination, and adequate rest and meal periods.

IV. Participants in subsidized work programs administered by the state shall be considered employees of the state for workers' compensation purposes only.

#### AMENDED ANALYSIS

This bill prohibits the New Hampshire employment program or the alternative employment experience program from using participants in any way contrary to certain federal laws. This bill prohibits requiring a participant to work under certain subsidized employment conditions or for more than a certain number of hours and requires that participants be afforded certain employment protections.

This bill also requires that participants shall be considered state employees for workers' compensation purposes only.  
Referred to Finance.

**SB 172**, making various changes to the workers' compensation law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill grants full workers' compensation benefits to injured employees who return to temporary alternative work within 5 days. The bill deletes the fee schedule in workers' compensation and sets up payment for reasonable services. It also changes the reporting requirements for written safety plans from annual to biennial. Vote 13-1.

**Amendment (1331h)**

Amend the bill by replacing section 2 with the following:

2 Temporary Alternative Work. Amend RSA 281-A:23-b to read as follows:

281-A:23-b Alternative Work Opportunities. All employers with 5 or more employees shall develop temporary alternative work opportunities for injured employees. *If the employee fails to accept temporary alternative work, the employer or the employer's insurance carrier may petition the commissioner pursuant to RSA 281-A:48, to reduce or end compensation. Notwithstanding RSA 281-A:22, if an injured employee returns to temporary alternative work within 5 days of sustaining the injury, such employee shall be paid workers' compensation from the first date of the injury.* The commissioner shall adopt rules under RSA 541-A relative to the administration of this section.

Amend the bill by replacing all after section 5 with the following:

6 Reinstated Employees; Cross Reference. Amend RSA 281-A:54, IX to read as follows:

IX. Employers who incur costs for job modification for the purposes of retaining individuals, *including those reinstated under RSA 281-A:25-a*, for which a plan for modification has been approved by the commissioner shall be reimbursed 50 percent of the cost for such job modifications from the special fund for second injuries under RSA 281-A:55. Such reimbursement shall not exceed \$5,000 per employer per year. Before reimbursement shall be authorized, the employer shall submit the plan for modification to the commissioner for approval.

7 New Paragraph; Reinstated Employees. Amend RSA 281-A:54 by inserting after paragraph IX the following new paragraph:

X. An employer who reinstates an employee under RSA 281-A:25-a shall not be eligible for reimbursement from this fund should the employee become injured.

8 Self-Insureds to Utilize Licensed Claims Adjuster. Amend RSA 281-A:63, I to read as follows:

I. Any insurance carrier, *self-insured*, or claims adjusting company handling workers' compensation claims in this state shall utilize a claims adjuster licensed in New Hampshire, and such claims adjuster shall maintain suitable facilities in this state.

9 Safety Provisions. Amend RSA 281-A:64, II to read as follows:

II. All employers with 10 or more employees shall prepare, with the assistance of the commissioner, a current written safety program. The programs shall be filed [~~annually~~] *biennially* with the commissioner on January 1. Employer programs shall, in addition to the specific rules and regulations regarding worker safety, include the process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program.

10 Administrative Penalty. Amend RSA 281-A:64, VIII to read as follows:

VIII. [~~Except upon a finding of exceptional mitigating circumstances meriting a lesser penalty;~~] The commissioner [~~shall~~] *may* assess an administrative penalty of *up to* \$1,000 a day on any employer not in compliance with the written safety program required under paragraph II of this section, the joint loss management committee required under paragraph III of this section, or the directives of the department under paragraph IV of this section. Each violation shall be subject to a separate administrative penalty. All penalties collected under this paragraph shall be forwarded to the state treasurer for deposit in the special fund called the workers' compensation safety inspection fund established in paragraph IX.

11 Repeal. The following are repealed:

I. RSA 281-A:24, III and IV, relative to peer review.

II. RSA 281-A:60, I(h) and (i), relative to the fee schedule and a peer review panel, respectively.

12 Effective Date.

I. Sections 3 and 4 of this act shall take effect July 1, 1997.

II. The remainder of this act shall take effect January 1, 1998.

**AMENDED ANALYSIS**

This bill:

1. Adds a penalty for doing business with an unlicensed third party administrator.

2. Deletes the medical and rehabilitation fee schedule and replaces it with a requirement for payment for reasonable value of services.

3. Declares that employers who reinstate an employee shall not be reimbursed from the fund established under RSA 281-A:54 should such employee become injured.

4. Makes the administrative penalty on employers not in compliance with the written safety program requirement discretionary.

Referred to Finance.

**HB 811**, legalizing, ratifying, and confirming actions, votes, and proceedings of the annual meetings of the North Walpole village district and the town of Bartlett. **OUGHT TO PASS**  
Rep. Betsey L. Patten for Municipal and County Government: Since the State of New Hampshire is not a home-rule state, the committee unanimously approved legalizing the annual meetings of the North Walpole Village district and the town of Bartlett, as requested by those governing bodies. Vote 18-0.

**HB 812**, relative to the Melendy Pond Authority of Brookline, New Hampshire. **RE-REFER TO COMMITTEE**

Rep. Richard C. Leone for Municipal and County Government: The town of Brookline established a Melendy Pond Authority in 1950. The sponsor requested that these actions be legalized, ratified and confirmed. The committee determined there was a need to secure more background information and clarification before making a final decision. Also there is pending litigation involving the Melendy Pond Authority. Vote 19-0.

### REGULAR CALENDAR

**SB 39**, relative to the delivery of bank products and services. **OUGHT TO PASS WITH AMENDMENT**

Rep. David T. Mittelman and Rep. George Hurt for Commerce: This bill deals with two bank branch-related issues. First, the unamended portion of the bill provides consumers with more convenient access to bank services. It allows (a) mobile units to operate as branch offices conducting bank business, and (b) customer representatives to establish new banking relationships at commercial locations or public events. This framework represents a compromise between state-wide banks and community banks. The minority of the committee is concerned about the potential that banks may sell or solicit insurance products and services through the mobile units and customer representatives that this bill allows. Therefore, the majority and the minority of the committee wish to re-emphasize that the provisions of HB 799, which regulates the sale of insurance by banks, shall apply to all bank branches and agents, including delivery of bank products and services by mobile branch offices. Second, the amendment - which was not controversial in committee - addresses the issue of non-bank ATMs. Under current law, an ATM is considered a bank branch, and because only a bank may operate a bank branch, only banks may operate ATMs. This restriction, however, is not explicitly clear in our statutes nor is it consistent with the approach that other states have taken toward non-bank ATMs. Therefore, the amendment: (a) definitively places a moratorium on non-bank ATMs until January 1, 1999, and (b) establishes a study committee to examine whether non-banks should be allowed to operate ATMs, and if so, what if any consumer protection regulations (e.g., fraud prevention, error resolution) should govern the use of these ATMs. Vote 8-6.

### Amendment (1366h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the delivery of bank products and services, and establishing a study committee on operation of electronic customer service terminals by non-banks and non-credit unions.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraphs; Electronic Banking. Amend RSA 384-B:7 by inserting after paragraph II the following new paragraphs:

III. The presence of an authorized service representative of a bank at any such electronic device or machine for the purpose of assisting customers to engage in transactions shall not cause the electronic device or machine to become a "branch office" as defined in RSA 384-B:1, III.

IV.(a) No person other than a bank, cooperative bank, or credit union may establish, maintain and operate electronic devices or machines which permit customers to deposit funds in any account, to withdraw or receive funds from any account either on a debit or credit basis, to have access to any account for informational purposes, to transfer funds between accounts, to obtain loans or other extensions of credit or to engage in banking transactions, except that:

(1) Any person who sells goods or services may establish, maintain, and operate point of sale devices which allow for the withdrawal or receipt of funds as an incident to the purchase of goods or services; and

(2) Any lender licensed under RSA 399-A may make a small loan using an electronic device or machine.

(b) Any violation of this paragraph shall be deemed a violation of RSA 384:24. The bank commissioner may issue cease and desist orders against any person who violates any provision of this paragraph.

4 Study Committee Established. There is established a committee to study the ability of non-banks and non-credit unions to operate, maintain, and establish electronic customer service terminals.

5 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house from the house commerce committee, appointed by the speaker of the house.

(b) Three members of the senate, at least one of whom shall be a member of the senate banks committee, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

6 Duties. The committee shall study:

I. The effective regulation of the establishment, operation, and maintenance of electronic cash withdrawal machines, and other electronic devices or machines by non-bank persons or entities.

II. Regulatory and supervisory oversight of owners and operators of non-bank and non-credit union persons or entities.

III. Issues related to authorizations, application procedures, and approval standards; service requirements and limitations; bonding requirements; safeguards to protect confidentiality of accounts; settlement disputes; protection of persons and property; reporting requirements and sanctions for noncompliance.

IV. Any other matter determined relevant by the committee.

7 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. Four members of the committee shall constitute a quorum.

8 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1998.

9 Repeal. RSA 384-B:7, IV, relative to operation of electronic devices or machines by persons other than banks or credit unions, is repealed.

10 Effective Date.

I. Sections 4-8 of this act shall take effect upon its passage.

II. Section 9 of this act shall take effect January 1, 1999.

III. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill allows a bank to establish and operate mobile branch offices and defined service branch offices. The bill also authorizes account service representatives of banks to visit public events and commercial locations for the purposes of opening new banking accounts or establishing new banking relationships.

The bill also authorizes persons other than banks and credit unions to maintain and operate electronic devices and machines for certain purposes. The bill establishes a study committee on the ability of non-banks and non-credit unions to operate, maintain, and establish electronic customer service terminals.

Adopted.

Report adopted and ordered to third reading.

**SB 79**, prohibiting the sale of gift certificates containing an expiration date, relative to unclaimed and abandoned property, and relative to liens on personal property. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. William Tsiros for the Majority of Commerce: Under the current law, all unclaimed gift certificates and store credits must be turned over to the state as abandoned property. This bill will now allow the consumer, who purchases a gift certificate, to have claim for it with the merchant, but with no expiration date. It also allows a repair shop to put claim and after 60 days to sell in public auction, the personal property that was abandoned and not paid for. Vote 13-1.

Rep. Tim S. McGough for the Minority of Commerce: This bill, as amended by the committee, contains a total ban on gift certificates containing an expiration date, except for promotional purposes. An amendment offered in committee to allow expiration dates of a minimum of 2 years from purchase failed on a 9-6 vote. The minority on this vote believed that merchants should be permitted to determine whether or not they wish to have an expiration date on gift certificates they sell. Only California has instituted a total ban on expiration dates on gift certificates. Fourteen states actually consider gift certificates to be a contract between the purchaser and the merchant. New Hampshire should not tie the hands of small businesses that wish to continue to offer this service.

### Amendment (1369h)

Amend RSA 358-A:2, XIII as inserted by section 1 of the bill by replacing it with the following:

XIII. Selling gift certificates to purchasers which contain expiration dates. This paragraph shall not apply to gift certificates that are distributed to a consumer for promotional purposes without any money or other thing of value being given in exchange for the gift certificate by the consumer.

Amend RSA 451-B:2 as inserted by section 2 of the bill by replacing it with the following:

451-B:2 Lien Upon Item for Work. Except to the extent otherwise provided by law, every person who shall repair, at the request of the owner, any article of personal property, the fair market value of which is not greater than \$1,000, shall have a lien upon the property and may retain the possession of the article of property until the charges for such repair have been paid. Further, persons who repair articles of personal property shall provide notice that the owner of such personal property must disclose any prior lienholders having a security interest in such personal property at the time repairs are requested. The foregoing notice requirement may be satisfied either by sign or by express written notification at the time that a repair order is made.

Amend the bill by replacing section 3 with the following:

3 Gift Certificates and Store Credits. RSA 471-C:16 is repealed and reenacted to read as follows:

471-C:16 Gift Certificates and Store Credits. Notwithstanding any law to the contrary, gift certificates, and store credits, regardless of when issued, shall not be property presumed abandoned and shall not be subject to RSA 471-C or any other past or present law provided that all gift certificates, and store credits remitted to the state prior to January 1, 1998, shall remain in the custody of the state unless and until returned to the owner.

### AMENDED ANALYSIS

This bill:

I. Prohibits gift certificates sold to purchasers from containing enforceable expiration dates.

II. Allows any person who repairs personal property items to have a lien on the property until charges for the repair have been paid. In the event the repair is unpaid after 60 days the holder of the lien may sell the property at public sale.

III. Provides that gift certificates and store credits shall not escheat to the state.

Adopted.

Rep. McGough offered the Minority Amendment.

### Amendment (1443h)

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting the sale of gift certificates which expire less than 24 months after the date of issue, relative to unclaimed and abandoned property, and relative to liens on personal property.

Amend RSA 358-A:2, XIII as inserted by section 1 of the bill by replacing it with the following:

XIII. Selling gift certificates to purchasers which expire less than 24 months after the date of issue. This paragraph shall not apply to gift certificates that are distributed to a consumer for promotional purposes without any money or other thing of value being given in exchange for the gift certificate by the consumer.

Amend RSA 451-B:2 as inserted by section 2 of the bill by replacing it with the following:

451-B:2 Lien Upon Item for Work. Except to the extent otherwise provided by law, every person who shall repair, at the request of the owner, any article of personal property, the fair market value of which is not greater than \$1,000, shall have a lien upon the property and may retain the possession of the article of property until the charges for such repair have been paid. Further, persons who repair articles of personal property shall provide notice that the owner of such personal property must disclose any prior lienholders having a security interest in such personal property at the time repairs are requested. The foregoing notice requirement may be satisfied either by sign or by express written notification at the time that a repair order is made.

Amend the bill by replacing section 3 with the following:

3 Gift Certificates and Store Credits. RSA 471-C:16 is repealed and reenacted to read as follows:

471-C:16 Gift Certificates and Store Credits. Notwithstanding any law to the contrary, gift certificates and store credits, regardless of when issued, shall not be property presumed abandoned and shall not be subject to RSA 471-C or any other past or present law provided that all gift certificates and store credits remitted to the state prior to January 1, 1998, shall remain in the custody of the state unless and until returned to the owner.

### AMENDED ANALYSIS

This bill:

I. Prohibits gift certificates sold to purchasers from expiring less than 24 months after the date of issue.

II. Allows any person who repairs personal property items to have a lien on the property until charges for the repair have been paid. In the event the repair is unpaid after 60 days the holder of the lien may sell the property at public sale.

III. Provides that gift certificates and store credits shall not escheat to the state.

Rep. McGough spoke in favor.

Rep. Hunt spoke against.

On a division vote, 68 members having voted in the affirmative and 259 in the negative, the minority amendment failed.

Report adopted and referred to Finance.

**SB 101**, requiring certain hospitals to file certain forms with the director of charitable trusts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gregory G. Carson for Commerce: This legislation clarifies the procedure for acquisition transaction involving health care charitable trusts. It assures public notice and disclosure as to fair value, conflicts of interest and public benefit when a merger or sale occurs. Vote 11-3.

### Amendment (1371h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to standards for acquisition transactions involving health care charitable trusts.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Standards for Certain Acquisitions. Amend RSA 7 by inserting after section 19-a, the following new section:

7:19-b Standards for Acquisition Transactions Involving Health Care Charitable Trusts and Review by Director of Charitable Trusts.

I. In this section:

(a) "Acquisition transaction" or "acquisition" means transfer of control, direct or indirect, of a health care charitable trust, or of 25 percent or more of the assets thereof, including, but not limited to purchases, mergers, leases, gifts, consolidations, exchanges, joint ventures or other transactions involving transfer of control or of 25 percent or more of assets. However, changes in membership of the governing body of a health care charitable trust occurring through regular election or filling of vacancies in accordance with the bylaws thereof do not of themselves constitute acquisition transactions within the meaning of this section.

(b) "Acquirer" means a person acquiring control, direct or indirect, of a health care charitable trust, or of 25 percent or more of the assets thereof.

(c) "Control" of a health care charitable trust means the power to elect a majority or more of the membership of the governing body thereof, or otherwise to direct the affairs thereof.

(d) "Health care charitable trust" means a charitable trust organized to provide health care services including, but not limited to, hospitals, community health services and medical-surgical or other diagnostic or therapeutic facilities or services, or a charitable trust operating as a health insurer or health maintenance organization. "Health care charitable trust" shall not include any testamentary or inter vivos trust which is not organized to provide health care services.

II. The governing body of a health care charitable trust, or any other persons having authority to direct the affairs of a health care charitable trust, shall not approve the acquisition thereof unless the governing body has acted in good faith and in a manner consistent with its fiduciary duties to the health care charitable trust, and unless the following minimum standards are met:

(a) The proposed transaction is permitted by applicable law, including, but not limited to RSA 7:19-32, RSA 292, and other applicable statutes and common law;

(b) Due diligence has been exercised in selecting the acquirer, in engaging and considering the advice of expert assistance, in negotiating the terms and conditions of the proposed transaction, and in determining that the transaction is in the best interest of the health care charitable trust and the community which it serves;

(c) Any conflict of interest, or any pecuniary benefit transaction as defined in this chapter, has been disclosed and has not affected the decision to engage in the transaction;

(d) The proceeds to be received on account of the transaction constitute fair value therefor;

(e) The assets of the health care charitable trust and any proceeds to be received on account of the transaction shall continue to be devoted to charitable purposes consistent with the charitable objects of the health care charitable trust and the needs of the community which it serves;

(f) If the acquirer is other than another New Hampshire health care charitable trust, control of the proceeds shall be independent of the acquirer; and

(g) Reasonable public notice of the proposed transaction and its terms has been provided to the community served by the health care charitable trust, along with reasonable and timely opportunity for such community, through public hearing or other similar methods, to inform the deliberations of the governing body of the health care charitable trust regarding the proposed transaction.

III. Notice of a proposed acquisition transaction shall be given to the director of charitable trusts in writing to be received by the director no less than 120 days before consummation of the transaction. Such notice shall identify all parties to the transaction; shall set forth all material terms thereof, including, without limitation, any changes in control or ownership of assets, any acquisition price, any change in the capital structure and management, and any and all compensation paid or to be paid in connection therewith; shall include a copy of the minutes and other documents evidencing the decision of the governing body of the health care charitable trust, including documentation of steps taken to comply with paragraph II(g) of this section and any changes in the proposed transaction resulting therefrom, any relevant community needs assessment developed by the health care charitable trust, and a copy of the acquisition agreement and financial statements of all parties; and shall include a certification signed by those members of the governing body or other person approving the acquisition on behalf of the health care charitable trust that the standards set forth in paragraph II of this section have been considered in good faith and complied with, together with such explanations and other documentation as may be necessary to demonstrate such compliance. The notice shall also include a statement from the acquirer specifying the manner in which it proposes to continue to fulfill the charitable objects of the health care charitable trust. Any information submitted pursuant to this section shall be subject to RSA 91-A.

IV. Within a reasonable time, not to exceed 120 days after receipt of the notice specified in the preceding paragraph, the director shall determine compliance with the standards set forth in paragraph II of this section and shall notify the parties either that the director will take no further action with respect thereto, or that the director objects to the transaction on specified grounds. Within 60 days following receipt of the notice specified in the preceding paragraph, the director may require submittal of such additional information as may be reasonably necessary to make such a determination. In making such a determination, the director shall accept public comment and may conduct public hearings relating thereto within the time specified in this paragraph and may direct the health care charitable trust to publish notice thereof in a manner reasonably specified by the director. Such hearing may be conducted informally or in conformity with RSA 541-A, at the discretion of the director. The expenses of such public hearing shall be paid for by the parties to the proposed transaction, after consultation with the parties. Where the acquisition transaction

involves assets, the fair value of which are in excess of \$5,000,000, after consultation with the parties, the director may employ, at the parties' expense, expert assistance, including independent counsel and independent financial advisors that are reasonably necessary to make the determination specified in this paragraph.

V. In addition to all other powers conferred by statute or common law, the director may bring judicial proceedings to enjoin consummation of any acquisition transaction in which notice has not been provided in accordance with paragraph III of this section. Any acquisition transaction which has been consummated following the effective date of this section without such notice having been provided, or any acquisition transaction of which such notice was deceptive or materially inaccurate, shall be voidable through appropriate judicial proceedings instituted by the director of charitable trusts.

VI.(a) Nothing in this section shall derogate from authority of the attorney general, or the rights of others, provided by common law or other statute.

(b) This section shall not supplant or restrict the general powers of the probate courts with respect to charitable trusts pursuant to RSA 498, RSA 547:3 through 547:3-h, or at common law. Nor do the standards set forth in paragraph II of this section supplant or restrict the standards that may lawfully be applied in connection with the doctrines of cy pres, deviation, and termination as applicable by the probate courts of this state in such proceedings.

(c) Notwithstanding the provisions of this section, the commissioner of insurance retains full jurisdiction to regulate any charitable trust operating as a health insurer or health maintenance organization, including through the application of RSA 401-B. If the insurance commissioner determines that an acquisition or acquisition transaction otherwise subject to the provisions of this section is necessary to avoid the future impairment or insolvency of either or both of the merging health insurers or health maintenance organizations, the commissioner may waive any of the provisions of this section.

2 Applicability. This act shall not apply to any acquisition transaction involving a health care charitable trust operating as a health insurer or health maintenance organization with respect to which there has been a filing pursuant to RSA 401-B:3 prior to the effective date. With respect to any other health care charitable trust, this act shall not apply to any acquisition transaction as to which there has been, prior to the effective date, a recorded vote of the governing body giving approval to the acquisition transaction.

3 Effective Date. This act shall take effect September 1, 1997.

### AMENDED ANALYSIS

This bill clarifies the procedure for acquisition transactions involving health care charitable trusts. Adopted.

Report adopted and ordered to third reading.

**SB 113**, establishing a committee to study health care issues related to individuals who are underinsured or without insurance. **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: This bill was originally reported out ITL. After a reconsideration to address a committee member's concerns, the committee feels the issue will be handled under the study committee established in SB 122. This study committee formed in SB 113 is not necessary. Vote 9-5.

Adopted.

**SB 130**, relative to the portability, availability, and renewability of health coverage. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith R. Herman for Commerce: This legislation brings New Hampshire into conformity with the federal HIPAA(Kennedy-Kassenbaum) bill. New Hampshire will avoid dual regulation by passing this bill. There are several provisions of HIPAA which will have a significant impact on New Hampshire insureds. Pre-existing conditions for maternity requirements and broadening existing NH law to include large employers (over 100 employees) will probably result in higher insurance premiums. Once again, the federal government thinks they can do it better than the states. Vote 12-1.

**Amendment (1314h)**

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 11:

10 Application. Neither RSA 420-G:2, XII(b) nor RSA 420-G:2, XVI(b) shall be applied so as to alter the current classification of any employer before January 1, 1999.

**AMENDED ANALYSIS**

This bill repeals the current chapter concerning health coverage for employees of small employers and individuals and replaces it with a chapter which more broadly covers the portability, availability, and renewability of health coverage for individuals and for employees of large and small employers.

Adopted.

Report adopted and ordered to third reading.

**SUSPENSION OF RULES**

Rep Hunt moved that the Rules be so far suspended as to permit consideration at the present time of a nongermane amendment without the proper hearing on **SB 165**, relative to Medicare and health maintenance organizations and small employer and individual insurance.

On a division vote, 247 members having voted in the affirmative and 81 in the negative, the motion was adopted by the necessary two-thirds.

**REGULAR CALENDAR (CONT'D.)**

**SB 165**, relative to Medicare and health maintenance organizations and small employer and individual insurance. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith R. Herman for the Majority of Commerce: This legislation takes current Insurance Department rule and places it into statute where the Legislature will have better control. Consumers must be protected from the threat of false and misleading advertising. Despite the appearance of government intervention, all parties affected by this bill fully support it. The bill as amended, also allows for the use of any FDA approved test for A.I.D.S. Vote 12-2.

Rep. Tim S. McGough for the Minority of Commerce: This bill had a single controversial issue after it was reported out of committee: whether or not to give approval authority to the state on HMO advertising. The amendment to eliminate this censorship ability, but to keep a review process and all the other changes made by the committee amendment, fell to a tie vote of 7-7. This minority amendment now being offered still requires that all HMO advertising be reviewed by the insurance department, but leaves the final decision to use the material to the organization generating it. The state must not be involved in censoring advertising in any way, especially when sufficient remedy for false or misleading advertising already exists in statute.

**Amendment (1147h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to Medicare and health maintenance organizations and relative to the disclosure by insurers of test results for the presence of an antibody or antigen to a human immunodeficiency virus.

Amend RSA 420-B:1, I(c) as inserted by section 1 of the bill by replacing it with the following:

*(c) Sales talks, presentations and material prepared by insurers for use by agents and brokers, and representations made by agents and brokers in accordance therewith.*

Amend section 4 of the bill by replacing it with the following:

4 Unfair Methods, Acts, and Practices Defined; Human Immunodeficiency Virus. Amend RSA 417:4, XIX(c) to read as follows:

*(c) In the event of a [serologic] positive test result on a blood, urine, or oral specimen, or a positive test result on an FDA approved test, a person who tests for the presence of an antibody or antigen to a human immunodeficiency virus shall disclose the test results, but only to:*

*(1) The individual tested;*

*(2) Such other person or entity as the individual tested may authorize by written consent to receive the test results, which consent shall be clearly identifiable as part of the form described in subparagraph (a) of this paragraph.*

## AMENDED ANALYSIS

This bill:

I. Requires that advertising by health maintenance organizations be approved by the insurance commissioner.

II. Exempts Medicare risk policies from certain state requirements and provides for alternative coverage in the event the contract between a health maintenance organization and the Health Care Financing Administration is terminated.

III. Expands the applicability of restrictions on disclosure by insurers of test results for the presence of a human immunodeficiency virus to positive test results on blood, urine, or oral specimens or positive test results on FDA approved tests.

Adopted.

Rep. Mirski spoke against.

Rep. Herman spoke in favor and yielded to questions.

Majority report adopted and ordered to third reading.

### SB 154, relative to charter schools. OUGHT TO PASS WITH AMENDMENT

Rep. Richard L. Champagne for Education: This bill, as amended, makes minor changes to RSA 194(B) relative to clearly defining specific application process dates, technical changes regarding applications vs. contracts and other clarifications regarding charter school purpose statements. Vote 20-1.

#### Amendment (1382h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Statement of Purpose Added. Amend RSA 194-B by inserting after section 1 the following new section:

194-B:1-a Statement of Purpose. It is the purpose of this chapter to:

I. Promote and encourage the establishment and operation of charter and open enrollment schools in New Hampshire.

II. Encourage school districts to allow public charter and open enrollment schools.

III. Encourage the establishment of public charter schools with specific or focused curriculum, instruction, methods, or target pupil groups.

IV. Improve pupil learning and increase opportunities for learning.

V. Exempt charter schools from state statutes and rules, other than where specified, to provide innovative learning and teaching in a unique environment.

VI. Enhance professional opportunities for teachers.

VII. Establish results-driven accountability for public charter schools and require the measurement of learning.

VIII. Make school improvement a focus at the school level.

2 "Application" Substituted for "Contract." Amend the introductory paragraph of RSA 194-B:3, II to read as follows:

II. Except as expressly provided in this chapter, the duty and role of the local school board relative to the establishment of a charter school shall be in good faith to approve or disapprove the proposed charter school ~~[contract]~~ **application** based upon whether or not the proposed ~~[contract]~~ **application** contains and appropriately addresses these required elements:

3 Description of Proposed Location of Charter School Facility. Amend RSA 194-B:3, II (d) to read as follows:

(d) *General* description and *proposed or potential* location of facilities to be used, *if such information is available*.

4 Location of Charter School. Amend RSA 194-B:3, II(1) to read as follows:

(1) Pupil transportation plan, including reasonable provision from the charter school's own resources for transportation of pupils residing outside ~~[that school's]~~ **the district in which the charter school is physically located**.

5 "Application" Substituted for "Contract." Amend RSA 194-B:3, II(y) to read as follows:

(y) Severability provisions and statement of assurance that any provision of the charter school ~~[contract]~~ **application** found by competent authority to be contrary to applicable law, rule, or regulation shall not be enforceable.

6 New Subparagraph; Charter School Contract. Amend RSA 194-B:3, II by inserting after subparagraph (bb) the following new subparagraph:

(cc) In addition to an application, each charter school applicant, in consultation with the local school board, shall prepare a proposed contract. The contract shall include, but shall not be limited to, the following elements:

- (1) Purpose.
- (2) Written policies.
- (3) Authority of trustees.
- (4) Reporting and financial requirements.
- (5) Contract agreements.
- (6) Indemnification.
- (7) Secular orientation.
- (8) Non-discrimination.
- (9) Health and safety.
- (10) Enrollment.
- (11) Attendance.
- (12) Availability of services.
- (13) Assessment of pupils.
- (14) Tuition and funding.
- (15) Property ownership.
- (16) Records.
- (17) Severability in accordance with subparagraph (y) above.
- (18) Assignment.
- (19) Insurance.
- (20) Revocation.
- (21) Amendment.
- (22) Renewal.
- (23) Entire agreement.
- (24) Location, which shall be identified prior to submission to the legislative body.

7 "Application" Substituted for "Contract." Amend RSA 194-B:3, III(b)-(g) to read as follows:

(b) *Proposed applications and contracts* to establish a charter school ~~[shall take the form of a proposed contract and]~~ shall be presented by ~~[April]~~ *July* 1 of the year preceding intended operation of the charter school by its prospective board of trustees to the school board of the district in which the charter school intends to be located.

(c) By ~~[July 1]~~ *September 15* of the given year, the school board shall have completed its review of the proposed ~~[contract]~~ *application* and shall have granted or denied its approval. In its review the school board shall grant or deny the proposed ~~[contract]~~ *application*, using as its criteria whether or not the proposed *application and* contract ~~[contains and addresses]~~ *contain and address* the elements required under RSA 194-B:3, II. The school board reserves the right to suggest amendments or additions to the proposed ~~[contract]~~ *application* as it deems necessary to assure its completeness and compliance with this chapter. The school board shall forward the proposed *application and* contract, along with its approval or denial and a written statement specifying any areas deemed deficient, to the state board and to the applicant's prospective board of trustees.

(d) By ~~[October 1]~~ *December 31* of the given year, the state board shall have reviewed the proposed ~~[contract]~~ *application* and shall grant or deny the proposed ~~[contract]~~ *application*, using as its criteria whether or not the proposed ~~[contract]~~ *application* contains and addresses the elements required under RSA 194-B:3, II. The state board reserves the right to suggest amendments or additions to the proposed ~~[contract]~~ *application* as it deems necessary to assure its completeness and compliance with this chapter. ~~[Contract]~~ *Application* disapprovals shall include a written statement specifying areas deemed deficient. The state board shall promptly notify the prospective board of trustees and the school board of its decision in writing. For any applicant charter school whose proposed ~~[contract]~~ *application* is deemed complete and is approved by the state board, the state board shall issue a charter enabling the formation and operation of the charter school.

(e) ~~[The school board shall promptly execute the state board approved contract within one month of the school board's receipt of notice of approval from the state board.]~~

~~(f) The executed contract shall be submitted to the school district legislative body for subsequent.]~~ *The state board shall submit 2 copies of the approved contract to the clerk of the school district who shall make the contract available for inspection by the voters of the school district. The school board shall submit a warrant article to the school district legislative body for ratifi-*

cation or denial without amendment[~~which decision shall be final~~]. The ratification question shall be placed on the warrant of the next special or annual school district meeting. In districts without annual meetings, the legislative body shall have final authority to ratify or deny the state board approved contract. A ratified contract grants final authority for the charter school to operate for the life of its contract and to receive school district funds.

[(g)] (f) The school's [~~charter and~~] contract shall become effective July 1 immediately following ratification by the legislative body. Upon approval by the legislative body, [~~charters~~] *contracts* shall be [~~granted~~] for a 5-year term beginning on July 1 immediately following ratification by the legislative body.

8 "Application" Substituted for "Contract." Amend RSA 194-B:3, IV(a) and (b) to read as follows:

(a) The charter school's prospective board of trustees may appeal a denial by a school board under RSA 194-B:3, III(c) to the state board by [~~August 1~~] *September 30* of the given year.

(b) The state board shall conduct a review of the proposed charter school [~~contract~~] *application*, using review standards as specified under RSA 194-B:3, II. The state board shall be authorized to suggest amendments or additions to the proposed [~~contract~~] *application* to both parties including, but not limited to, deficiencies identified by the local school board and the trustees, as the state board deems necessary to assure its completeness and compliance with this chapter. [~~Contract~~] *Application* disapprovals by the state board shall include a written statement specifying areas deemed deficient or in the case of approval on appeal, the reasons for such action to both parties. The state board shall promptly notify the prospective board of trustees and the school board of its decision in writing.

9 "Grantee" Substituted for "School"; "Application" Added. Amend RSA 194-B:3, XI and XII to read as follows:

XI.(a) A charter [~~school~~] *grantee* may apply to the school board for amendment to its *application and* contract, which shall be granted or denied within 30 days at the school board's discretion. The school board shall notify the school in writing of the decision to grant or deny the proposed amendment, providing reasons for the decision. An approved amended contract shall be promptly signed by the school board within one month of approval.

(b) A charter [~~school~~] *grantee* may appeal the denial of a proposed *application and* contract amendment to the state board. The state board shall review the proposed amendment and within 30 days shall notify the school and the school board in writing of the decision to grant or deny the amendment, providing reasons for the decision.

(c) Within one month of receipt of a notice of approval from the state board on appeal from a school board denial, the school board shall promptly execute the proposed amended contract.

(d) When executed by the school board, an appealed amended *application and* contract shall be submitted promptly to the school district legislative body for subsequent ratification or denial without amendment, which decision shall be final. The ratification question shall be placed on the warrant of the next special or annual school district meeting. In districts without annual meetings, the legislative body shall have final authority to ratify or deny the proposed amended *application and* contract.

XII. [~~For specific periods of time and for good cause shown, a school board and the state board may waive any deadlines applying in this section to their respective actions to shorten or speed a charter school's approval process.~~] A school board and the state board may provide technical assistance to improve a charter school's application or to speed the approval process. An applicant whose proposed [~~contract~~] *application* is not approved by a school board or by the state board shall be granted the opportunity to present a revised [~~contract~~] *application* for reconsideration.

10 New Paragraph; Acquisition of Real Property. Amend 194-B:3 by inserting after paragraph XII the following new paragraph:

XIII. The board of trustees of a charter school may acquire real property by lease, purchase, lease with purchase option, gift, or otherwise at any time prior to receiving a charter.

11 Changing Limitation Percentages. Amend RSA 194-B:4, I(d) and (e) to read as follows:

(d) The wording of the required adoption and limitation questions shall be either or both:  
(1)(A) "Shall we adopt the provisions of RSA 194-B, [~~implementing a~~] *enabling* charter and open enrollment [~~school program~~] *schools*?" and

(B) "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend charter and open enrollment schools located outside the school district?"; and

(C) "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend charter and open enrollment schools located inside the school district?"; or

(2)(A) "Shall we adopt the provisions of RSA 194-B, ~~[implementing an]~~ *regarding* open enrollment ~~[school program]~~ *schools*?"; and

(B) "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend open enrollment schools located outside the school district?"; and

(C) "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend open enrollment schools located inside the school district?"

(e) For all limitation questions, the school board shall propose a percentage limitation number. The number may also be proposed by petition. *To change limitation percentages, a district need only act upon the relevant limitation questions.*

12 New Paragraphs; Consolidation for Purposes of Admissions Lottery; Location of Charter School. Amend RSA 194-B:4 by inserting after paragraph III the following new paragraphs:

IV. Upon approval by each of the district's legislative bodies and after a public hearing, 2 or more school districts may consolidate otherwise eligible resident pupils into one applicant pool for the purposes of an admissions lottery for designated charter or open enrollment schools.

V. A charter school may be physically located outside the district establishing it, but shall be deemed within the school district for purposes of RSA 194-B:4, I(d).

13 Suspension and Expulsion from Charter School. Amend RSA 194-B:9, III to read as follows:

III. A pupil may be suspended or expelled from a charter school based on criteria determined by the board of trustees consistent ~~[with its charter contract,]~~ with the advice of the principal and teachers and in conformance with RSA 193:13; ~~and in accordance with RSA 189:1-a~~. No public school shall be obligated to enroll an expelled pupil.

14 Charter Schools; Pupil Residency. Amend RSA 194-B:9, IV to read as follows:

IV. For the purpose of this chapter, any resident pupil enrolled in a charter school is to be considered reassigned to the charter school ~~[in accordance with RSA 193:3]~~ *for purposes of school attendance.*

15 "Application" Added. Amend RSA 194-B:10, III to read as follows:

III. To ensure compliance with its *application and* contract and applicable law, a charter school shall be subject to a first year and periodic subsequent program audits by the department of education or its agent.

16 Funding; Schedule of Payments. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's prior fiscal year's average cost per pupil *as determined by the department of education*. ~~[In calculating the cost per pupil, the district's expenditures for all added services for special education and for services provided under individual education plans, plus any federal or other funds identified under RSA 194-B:11, IV, shall be deducted from the school district's total education expenditures. The 80 percent minimum amount shall be as determined by the department of education.]~~ Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. *To the extent permitted by law, funding for a pupil attending a charter or open enrollment school shall be paid on the same time schedule as the resident district, or on such other terms as the school and the funding source may find mutually acceptable.*

17 "Application" Added. Amend RSA 194-B:15, I to read as follows:

I. Individuals or groups may complain to a charter school's board of trustees concerning any claimed violation of the provisions of the school's *application and* contract.

18 "Application" Added. Amend RSA 194-B:16, II(a) to read as follows:

(a) The school commits a material violation of any of the conditions, standards, or procedures set forth in its charter *application and* contract.

19 "Application" Added. Amend RSA 194-B:16, II(d) to read as follows:

(d) The school makes a material misrepresentation in its *application or* contract application. 20 "Application" Added. Amend RSA 194-B:16, VI and VII to read as follows:

VI. By the end of its final contract year, the charter school shall meet or exceed the objective academic test results or standards and goals as set forth in its ~~[contract]~~ *application*. If the school does not meet these results or standards and goals, it shall not be eligible for renewal of its charter.

VII. If a school's charter expires or is revoked, the school shall be dissolved under the provisions of its charter *application and* contract. If the contract provisions are silent or ambiguous as to disposition of any asset of the school, such asset shall revert to the school district in which the charter school is located at no cost to that district, subject to the school district's acceptance of the asset. Under no circumstances shall the school district be liable for any obligations of the dissolved charter school.

21 Geographic Dispersion Deleted. Amend RSA 194-B:20, I to read as follows:

I. Prior to January 1, 1997, the state board shall grant no more than 5 charter school applications. During calendar year 1997 and each calendar year thereafter, no more than 10 charter school applications shall be granted by the state board. ~~[To ensure geographic dispersion of charter schools throughout the state, no more than one charter school and one charter conversion school application shall be granted in any one calendar year in each executive council district. The physical location of the charter or charter conversion school shall be used to determine its executive council district. Denial by a legislative body for a state board approved charter school's authority to operate under the provisions of RSA 194-B:3, III(f) shall allow an alternate charter school application to be granted by the state board. Final authority to operate fewer than the maximum number of permitted charters in any executive council district in any year shall not increase the maximum number of permitted charters in that district in any subsequent year.]~~

22 Effective Date. This act shall take effect upon its passage.

Rep. Champagne yielded to questions.

Adopted.

Report adopted and ordered to third reading.

**SB 202-FN-A-L**, relative to the certification of teachers, high school graduation examinations and making an appropriation therefor, school building aid, and establishing a committee to study school discipline and manifest educational hardship. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Susan B. Durham for the Majority of Education: The amendment replaces the bill as passed by the Senate and was discussed and voted on section by section.

Sections 1 and 2 direct the State Board of Education to establish testing for academic competence before a teacher is certified. This draws on the language of re-referred HB 612 and has support of teachers, administrators and School Boards.

Sections 3 and 4 give teachers and their representatives more time to prepare for a hearing and more time to appeal a local school board decision to non-renew a teacher's contract.

A section which prohibited binding arbitration in teacher contracts was deleted.

Sections 5-10 set up a 12<sup>th</sup> grade assessment program which will set standards of what New Hampshire graduates should know and be able to do. These standards shall be comparable to those of the world's top performing nations. The purpose is to encourage our teachers and students to excel academically. \$300,000 is appropriated for the assessment program.

Sections 11-13 encourage school districts to have year round schools by paying 75% building aid for the cost of renovations needed for air conditioning.

The final section, #14, establishes a committee to study issues relating to school discipline and manifest educational hardship Vote 12-9.

Rep. Charles Yeaton for the Minority of Education: This bill offers little but simplistic solutions to very complex education reform problems.

To assume that educational personnel including teachers, principals and central office administrations are responsible for the decline in quality education is to blame police officers for crime, clergy for moral decay and doctors for physical and mental illness.

The new State Board of Education and the Commissioner of Education that has authority, has assured the Education Committee that education reform will be a top policy priority with recommendations for legislation to be available in a timely fashion.

**Amendment (1464h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the certification and recertification of teachers, supervisors, and administrators, high school graduation examinations and making an appropriation therefor, school building aid, and establishing a committee to study school discipline and manifest educational hardship.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Tests of Academic Knowledge; Prerequisite to Teacher Certification. Amend RSA 189 by inserting after section 13-a the following new section:

189:13-b Tests of Academic Knowledge; Prerequisite to Teacher Certification.

I. The state board of education and the department of education shall establish, from preexisting resources, suitable tests of academic knowledge to be administered as a prerequisite for certification and recertification of teachers, supervisors, and administrators in New Hampshire.

II. Such tests shall be germane to the subject matter and major field of study in which a prospective teacher seeks certification or recertification.

III. Costs of such tests shall be incorporated into the cost of the certification or recertification fee.

2 Application of Section 1. The testing requirements for applicants under section 1 of this act shall apply to teachers, supervisors, and administrators seeking initial certification for grades K - 12 beginning with the 1999-2000 school year.

3 Failure to Meet Time Frames; Hearings Relative to Failure to be Renominated or Reelected. Amend RSA 189:14-a, I(b) to read as follows:

(b) Any such teacher who has taught for 3 consecutive years or more in the same school district and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of [said] *such* request, shall provide for a hearing on the request to be held within [15] 30 days. The school board shall issue its decision *to the teacher* in writing *by certified mail* within [15] 30 days of the close of the hearing.

4 Failure to Meet Time Frames; Review by State Board. Amend RSA 189:14-b to read as follows:

189:14-b Review by State Board. A teacher aggrieved by such decision may request the state board of education for review thereof. Such request must be in writing and filed with the state board within 10 days after the [issuance] *receipt* of the decision to be reviewed. Upon receipt of such request, the state board shall notify the school board of the request for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within [15] 60 days after the request for review is filed[~~and~~]. The decision of the state board shall be final and binding upon both parties.

5 Statement of Purpose. The purpose of sections 6-10 of this act is to:

I. Identify, encourage, and provide recognition to students who excel academically by awarding them a New Hampshire certificate of advanced academic achievement.

II. Establish the high school graduation assessment as a widely accepted and meaningful indicator of educational achievement.

III. Develop and maintain the academic assessment in concert with the statewide education improvement and assessment program.

6 Advocates for Educationally Disabled to be Consulted. Amend the introductory paragraph of RSA 193-C:3 to read as follows:

There is established within the department of education a statewide education improvement and assessment program. The commissioner shall develop and implement this program in conjunction with the state board of education and the legislative oversight committee. In carrying out this program, the commissioner shall consult widely with educators at all levels, *representatives of educationally disabled pupils*, business people, government officials, community representatives, and parents.

7 New Section; High School Graduation Assessment Required. Amend RSA 193-C by inserting after section 6 the following new section:

**193-C:6-a High School Graduation Assessment.**

I. The high school graduation assessment shall measure what pupils know and are able to do in terms of high standards required for success in postsecondary education, the work place, and the community. The New Hampshire standards shall be comparable to the standards of the world's top performing nations.

II. High school graduation assessment results shall be reported at the individual pupil, school, and district levels in a manner consistent with that employed at the other 3 grades assessed. Performance levels shall be benchmarked, to the extent possible according to the achievement demonstrated by pupils from the world's top performing nations.

III. A New Hampshire certificate of advanced achievement shall be awarded to those otherwise qualifying for high school graduation who perform at the advanced level in each of the academic areas assessed.

IV. Notwithstanding any other provision of law, no public school, public academy, or charter school pupil shall be awarded a high school diploma by a local school board or board of trustees unless such pupil has taken the high school graduation assessment. In no case shall a pupil's level of performance on the high school graduation assessment be cause to deny a diploma to such pupil.

V. The high school graduation assessment shall be administered annually at state expense to all public school, public academy, and charter school twelfth grade pupils with suitable provision for taking a make-up assessment by pupils who are unavoidably absent. A pupil may take the high school graduation assessment at an earlier grade level when it is administered at his or her school if granted permission to do so by the school principal or administrator. A pupil who has graduated from a New Hampshire public secondary school, public academy, or charter secondary school and has not reached the age of 21 may take the high school graduation assessment when it is administered at any convenient location provided that he or she makes suitable arrangements with the principal or administrator of the school or academy in advance of taking the assessment.

VI. New Hampshire certificates of advanced academic achievement shall be signed by the governor and awarded to the pupil.

8 Pilot Program; High School Graduation Assessment. The high school graduation assessment shall be piloted during the school year beginning in 1999 as funded in section 10 of this act. The department of education shall determine the school districts in which the pilot assessment shall be administered.

9 Statewide Implementation; High School Graduation Assessment. Annual statewide administration of the high school graduation assessment shall be implemented during the school year beginning in 2000.

10 Appropriation. The sum of \$300,000 is appropriated to the department of education for the biennium ending June 30, 1999, for the development and piloting of the high school graduation assessment. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. These funds shall be nonlapsing.

11 Statement of Purpose. It is the purpose of section 12 of this act that the legislature encourage year round schooling.

12 School Building Aid. Amend RSA 198:15-b, I to read as follows:

I.(a) The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be a sum equal to 30 percent of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district or receiving district, heretofore or hereafter incurred, for the cost of construction or purchase of school buildings and school administrative unit facilities, to the extent approved by the state board of education, provided that any school district may receive an annual grant in the amount of 40 percent for the construction of an educational administration building for school administrative unit, and provided that the amount of the annual grant in the case of a cooperative school district, or a receiving district operating an area school, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each sending district in excess of one, and provided further that no cooperative school district, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent.

(b) *For any district, the added cost of renovating equipment necessary for air conditioning, to make new or existing buildings suitable and used for year round schooling shall be entitled to*

*aid at 75 percent of the cost of such renovations for so long as the district maintains a year round school program in the building receiving aid. Fifty percent of the aid shall be reimbursed if a town abandons year round schooling within 5 years of the first year of receipt of such aid.*

13 Application. Section 12 of this act shall apply only to school building aid grants approved on or after July 1, 1997.

14 Committee Established.

I. There is established a committee to study issues relating to school discipline and manifest educational hardship.

II. The members of the committee shall be as follows:

(a) Three members of the senate, 2 of whom shall be members of the senate education committee, appointed by the president of the senate.

(b) Three members of the house, 2 of whom shall be members of the house education committee, appointed by the speaker of the house.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall examine issues relating to school discipline and manifest educational hardship.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. Four members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

15 Effective Date.

I. Sections 1-4 of this act shall take effect January 1, 1998.

II. Section 14 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill:

I. Requires the state board and the department of education to establish, from preexisting resources, suitable tests of academic knowledge to be administered as a prerequisite for certification and recertification of teachers, supervisors, and administrators in New Hampshire

II. Establishes a high school graduation assessment program and makes an appropriation for such program.

III. Revises the provisions relative to the amount of annual grants for school building aid.

IV. Establishes a committee to study issues relating to school discipline and manifest educational hardship.

Adopted.

Reps. Champagne and Franks spoke against and yielded to questions.

Reps. Belvin and O'Hearn spoke in favor and yielded to questions.

Rep. O'Hearn requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 180    NAYS 165**

**YEAS 180**

**BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Lawton, Robert

Boriso, Thomas  
Hurt, George  
Rosen, Ralph

Boyce, Robert  
Lafam, Robert  
Thomas, John

Clark, Charles  
Lawton, David  
Veazey, John

**CARROLL**

Babson, David, Jr.  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph

Chandler, Gene  
Lyman, L. Randy

Dickinson, Howard, Jr.  
Mock, Henry

**CHESHIRE**

Hunt, John  
Royce, H. Charles

Manning, Joseph  
Smith, Edwin

McNamara, Wanda

Metzger, Katherine

**COOS**

Coulombe, Yvonne  
St. Hilaire, Paul

Davis, Perley  
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Connolly, Steven  
Hinman, Harry  
Teschner, Douglass

Alger, John  
Eaton, Stephanie  
MacNeil, Allen  
Trelfa, Richard

Brown, Channing  
Guaraldi, Lawrence  
Phinney, William  
Weber, Phil

Chase, Paul, Jr.  
Hill, Richard  
Root, John  
Williams, William, Jr.

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Burke, M. Virginia  
Clay, Susan  
Desrosiers, William  
Fields, Dennis  
Goulet, Maurice  
Holt, David  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
McGough, Tim  
Messier, Irene  
Murch, George  
Sargent, Maxwell  
White, Donald

Amidon, Eleanor  
Bergin, Peter  
Calawa, Leon, Jr.  
Clegg, Robert, Jr.  
Durham, Susan  
Flora, Kathleen  
Hansen, Herbert  
Hunter, Bruce  
Lefebvre, Roland  
Lozeau, DonnaLee  
Marcinkowski, Michael  
McRae, Karen  
Milligan, Robert  
O'Hearn, Jane  
Searles, Stanley, Sr.  
Wright, George

Arnold, Thomas, Jr.  
Briefs, Geoffrey  
Carlson, Donald  
Daniels, Gary  
Dyer, Merton  
Gagnon, Eugene  
Herman, Keith  
Jean, Loren  
Leishman, Peter  
Luebker, Bernard  
Martin, Mary  
Melcher, Harold  
Mittelman, David  
Pepino, Leo  
Thulander, O. Alan

Batula, Peter  
Brundige, Robert  
Carney, Lauren  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Golding, William  
Holley, Sylvia  
Kelley, Robert  
Lessard, Rudy  
MacGillivray, Jeffrey  
McCarty, Winston  
Mercer, Robert  
Morello, Michael  
Riley, Frances  
Wheeler, Robert

**MERRIMACK**

Adams, Stephen  
Colburn, Thomas  
Krueger, Patricia  
Leber, William  
Whalley, Michael

Anderson, Eric  
Crowell, Peter  
Lamach, Bernard  
Marshall, Kenneth  
Whittemore, James

Chandler, Earle  
Hess, David  
Larrabee, David  
Maxfield, Roy

Colburn, Kathleen  
Hoadley, Elizabeth  
Laviole, Gerard  
Nichols, Avis

**ROCKINGHAM**

Aranda, M. Kathryn  
Bishop, Franklin  
Dodge, Robert  
Dunham, Vivian  
Flanders, John, Sr.  
Griffin, Mary  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
Mikowski, Walter  
Noyes, Richard  
Simmons, John Anthony  
Welch, David

Arndt, Janet  
Camm, Kevin  
Dolan, Richard  
Felch, Charles, Sr.  
Francoeur, Sheila  
Henderson, Warren  
Kobel, Rudolph  
Major, Norman  
Moore, Benjamin  
Packard, Sherman  
Stickney, Nancy  
Weyler, Kenneth

Beaulieu, Jon  
Cote, Patricia  
Dowd, Sandra  
Fesh, Robert  
Frechette, Joseph  
Katsakiores, George  
Langley, Jane  
Malcolm, Kenneth  
Morris, Debbie  
Raynowska, Bernard  
Stritch, C. Donald  
Woods, Deborah

Belanger, Ronald  
Dearborn, Bruce  
Dube, LeRoy  
Flanders, David  
Gleason, John  
Katsakiores, Phyllis  
Letourneau, Robert  
McCarthy, John, Jr.  
Nowe, Ronald  
Rubin, George  
Varrell, Thomas

**STRAFFORD**

McKinley, Robert

Torr, Franklin

**SULLIVAN**

Adler, Rudolf

Kibbey, David

**NAYS 165****BELKNAP**

Calvert, Alice  
Salatiello, Thomas

Golden, Paul  
Turner, Robert

Pilliod, James

Rice, Thomas, Jr.

**CARROLL**

Cooper, Kipp

MacDonald, Kenneth

Philbrick, Donald

**CHESHIRE**

Bonneau, Sarah  
Lynott, Margaret  
Richardson, Barbara  
Vogl, John

Burnham, Daniel  
McGuirk, Paul  
Riley, William

Champagne, Richard  
Meader, David  
Robertson, Timothy

Doucette, Richard  
Pratt, John  
Russell, Ronald

**COOS**

Bradley, Paula  
Horton, Lynn

Coulombe, Henry  
Mears, Edgar

Guay, Lawrence  
Moynihan, Wayne

Hawkinson, Marie

**GRAFTON**

Almy, Susan  
LaMott, Paul

Below, Clifton  
Lovett, Sidney

Copenhaver, Marion  
Luker, Elsa

Guest, Robert  
Nordgren, Sharon

**HILLSBOROUGH**

Allen, W. Gordon  
Boutin, David  
Clemons, Jane  
Drabinowicz, A. Theresa  
Foster, Linda  
Hart, Nick  
Kelly, Michael  
Lynde, Harold  
Perkins, Paul  
Turgeon, Roland

Ameen, W.  
Cardin, Lori  
Cote, David  
Dwyer, Paul, Sr.  
Franks, Suzan  
Healy, Daniel  
L'Heureux, Robert  
MacAuslan, Rita  
Peterson, Andrew  
Vaillancourt, Steve

Asselin, Robert  
Chabot, Robert  
Cote, Peter  
Ferguson, Charles  
Gage, Ruth  
Jean, Claudette  
LaRose, Richard  
McDonald, James, Sr.  
Piteri, Dawn  
Welch, Donald

Baroody, Benjamin  
Christiansen, Lars  
Daigle, Robert  
Foster, Joseph  
Gosselin, Gerald  
Johnson, Lionel  
Leonard, Peter  
O'Rourke, Thomas  
Reidy, Frank  
Williams, Carol

**MERRIMACK**

Burney, Carol  
Dunn, Miriam  
Hager, Elizabeth  
Owen, Derek  
Seldin, Gloria  
Yeaton, Charles

Crosby, Toni  
Feuerstein, Martin  
Jacobson, Alf  
Pfaff, Terence  
St. Cyr, Gerard

Daneault, Gabriel  
Fraser, Marilyn  
Lockwood, Robert  
Reardon, Tara  
Wallin, Jean

DeStefano, Stephen  
French, Barbara  
Moore, Carol  
Rogers, Katherine  
Wallner, Mary Jane

**ROCKINGHAM**

Battles-Peirce, Marjorie  
Clark, Martha  
Downing, Michael  
Heath, John  
Kelley, Jane  
Norelli, Terie  
Schanda, Frank

Blanchard, MaryAnn  
Coes, Betsy  
Flanagan, Natalie  
Hutchinson, Rebecca  
Langone, John  
O'Keefe, Patricia  
Smith, Kevin

Cegelis, Mark  
Cooney, Richard  
Gibbons, Paul  
Johnson, Robert  
McGovern, Cynthia  
Pantelakos, Laura  
Syracusa, Anthony

Christie, Andrew, Jr.  
Cushing, Robert  
Guthrie, Joseph  
Kane, Cecelia  
Micklon, Stephanie  
Sabella, Norma  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Grassie, Anne  
Keans, Sandra

Bickford, David  
DeChane, Marlene  
Hemon, Roland  
Knowles, William

Brennan, William  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond

Brown, George  
Estabrook, Iris  
Kaen, Naida  
Merrill, Amanda

Merritt, Deborah  
Smith, Marjorie  
Taylor, Kathleen  
Wall, Janet

Pelletier, Arthur  
Snyder, Clair  
Tsiros, William

Rogers, Rose Marie  
Spear, Barbara  
Twardus, Joseph

Rollo, Michael  
Sullivan, Henry  
Vincent, Francis

### SULLIVAN

Allison, David  
Ferland, Brenda  
Schotanus, Merle

Burling, Peter  
Flint, Gordon  
Wiggins, Celestine

Cloutier, John  
Leone, Richard

Donovan, Thomas  
Palmer, Lorraine

and the report was adopted.

Referred to Finance.

Rep. Mirski declared a conflict of interest and did not participate.

### RECESS

(Speaker Sytek in the Chair)

### REGULAR CALENDAR (CONT'D.)

**SB 97**, relative to polling hours. **INEXPEDIENT TO LEGISLATE**

Rep. Jane A. Clemons for Election Law: This committee has twice voted ITL on this same issue. A bill recently passed by the House allowing 17 year olds to work at the polls may help to provide a solution to finding enough workers to keep the polls open. Vote 11-2.

Rep. Alger spoke against.

Rep. Jane Clemons spoke in favor.

Adopted.

**SB 32**, relative to dogs at large. **INEXPEDIENT TO LEGISLATE**

Rep. Harold P. Melcher for Environment and Agriculture: Upon a more thorough re-examination of SB 32, the committee felt that the bill does not add any essential improvement to current law, and raised several new unanswered questions, needing a basic re-examination of the policy principles of dog laws before new legislation is brought forward. Vote 14-2.

Adopted.

**SB 207-FN**, relative to a digital signature act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill, as amended, will allow the secretary of state to establish a program to verify authenticity of an electronic digital signature and electronic documents for those that wish to make use of this new technology. The amendment added by the committee makes administrative rules governing this process mandatory by the agency. Vote 14-3.

### Amendment (1289h)

Amend RSA 294-D:4 as inserted by section 1 of the bill by replacing it with the following:  
294-D:4 Verification of Digital Signature; Certificates; Rulemaking.

I. The secretary of state shall be a certification authority and a repository operator.

II. The secretary of state shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Control processes and procedures to be used by state agencies to insure the integrity, security, confidentiality, and auditability of transactions conducted with and involving state agencies using electronic commerce;

(b) Procedures and criteria for certification by the secretary of state of private certification authorities;

(c) Fees charged to the public for products or services administered by the secretary of state under this section, consistent with fees charged for similar products and services in the open market; and

(d) Application fee for certification by the secretary of state of private certification authorities.

Amend the bill by replacing all after section 1 with the following:

2 Repeal. RSA 294-D:4, relative to verification of digital signatures, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2000.

II. The remainder of this act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill establishes the New Hampshire Digital Signature Act which is to be administered by the secretary of state. The secretary of state is granted rulemaking authority for the purposes of this bill.

Adopted.

Rep. Robertson spoke against.

Rep. Dyer spoke in favor.

On a division vote, 197 members having voted in the affirmative and 138 in the negative, the report was adopted.

Referred to Finance.

**SB 90-FN**, requiring all proposed legislation affecting independently owned small businesses to include an analysis of the cost of the legislation. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen T. DeStefano for Finance: This bill requires all proposed legislation affecting businesses with less than 100 employees to have a fiscal note. As a result, between 65% and 70% of all bills would have to include fiscal notes. Many of these fiscal notes would have to show different effects on different types of small businesses. This would impose a significantly increased workload on the LBA that might affect the quality of its output or would require additional analysts to handle this extra work. Vote 15-4.

Adopted.

**SB 177-FN**, relative to the liability of prospective adoptive parents for court ordered services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Frances L. Riley for Finance: There are many disadvantaged children longing for a family, and there are many prospective adoptive parents who would be willing to adopt some of these children. This bill provides that the state shall have no right of action against such adoptive parents for any court-ordered services/programs after the adoption. For the protection of the state, however, this bill provides that should the adoptive parent be convicted of sexual or physical abuse, or that the adoptive parent has misappropriated adoption subsidy monies, the adoptive parent shall be responsible for payment for subsequent services/programs. The committee felt that the passage of this bill would be an added incentive for prospective adoptive parents to be willing to take on the responsibility of these potentially problem children without incurring additional expenses. Vote 20-0.

## Amendment (1451h)

Amend the bill by replacing all after the enacting clause with the following:

1 Delinquent Children; Prospective Adoptive Parent; Adoptive Parent; Liability for Expenses. Amend RSA 169-B:40, VIII to read as follows:

VIII.(a) [~~Upon request by~~] *For the adoptive parent or prospective adoptive parent of a child in the custody of the state whose birth parents have consented to the adoption, relinquished their parental rights to the department, or the parental rights of whose birth parents were terminated pursuant to a petition brought by the department, authorized agency, or foster parent, pursuant to RSA 170-C:4, the state[, acting through the commissioner, may waive its] shall have no right of action against such adoptive parent or prospective adoptive parent for [all or a portion of] the expenses of services, placements, and programs provided pursuant to RSA 169-B, 169-C, or 169-D after the adoption. [The department shall adopt rules under RSA 541-A to establish the procedure to be followed to obtain a waiver of parental reimbursement pursuant to this paragraph.]*

(b) *If the department determines that the adoptive parent has been convicted of sexual or physical abuse of the adopted child pursuant to RSA 631 or 632-A, or the adoptive parent has misappropriated adoption subsidy moneys, the adoptive parent shall be responsible for payment for subsequent services, placements, and programs provided pursuant to RSA 169-B, 169-C, or 169-D after the adoption. A determination of misappropriation is subject to the provisions of RSA 126-A:5, VIII.*

2 Abused or Neglected Children; Prospective Adoptive Parent; Adoptive Parent; Liability for Expenses. Amend RSA 169-C:27, VIII to read as follows:

VIII.(a) [~~Upon request by~~] *For the adoptive parent or prospective adoptive parent of a child in the custody of the state whose birth parents have consented to the adoption, relinquished their parental rights to the department, or the parental rights of whose birth parents were terminated*

pursuant to a petition brought by the department, *authorized agency, or foster parent, pursuant to RSA 170-C:4*, the state~~[-acting through the commissioner, may waive its]~~ *shall have no right of action against such adoptive parent or prospective adoptive parent for [all or a portion of] the expenses of services, placements, and programs provided pursuant to RSA 169-B, 169-C, or 169-D after the adoption. [The department shall adopt rules under RSA 541-A to establish the procedure to be followed to obtain a waiver of parental reimbursement pursuant to this paragraph.]*

*(b) If the department determines that the adoptive parent has been convicted of sexual or physical abuse of the adopted child pursuant to RSA 631 or 632-A, or the adoptive parent has misappropriated adoption subsidy moneys, the adoptive parent shall be responsible for payment for subsequent services, placements, and programs provided pursuant to RSA 169-B, 169-C, or 169-D after the adoption. A determination of misappropriation is subject to the provisions of RSA 126-A:5, VIII.*

3 Children In Need of Services; Prospective Adoptive Parents; Adoptive Parents; Liability for Expenses. Amend RSA 169-D:29 to read as follows:

VIII. (a) ~~[Upon request by]~~ *For the adoptive parent or prospective adoptive parent of a child in the custody of the state whose birth parents have consented to the adoption, relinquished their parental rights to the department, or the parental rights of whose birth parents were terminated pursuant to a petition brought by the department, authorized agency, or foster parent, pursuant to RSA 170-C:4, the state[-acting through the commissioner, may] shall waive its right of action against such adoptive parent or prospective adoptive parent for [all or a portion of] the expenses of services, placements, and programs provided pursuant to RSA 169-B, 169-C or 169-D after the adoption. [The department shall adopt rules under RSA 541-A to establish the procedure to be followed to obtain a waiver of parental reimbursement pursuant to this paragraph.]*

*(b) If the department determines that the adoptive parent has been convicted of sexual or physical abuse of the adopted child pursuant to RSA 631 or 632-A, or the adoptive parent has misappropriated adoption subsidy moneys, the adoptive parent shall be responsible for payment for subsequent services, placements, and programs provided pursuant to RSA 169-B, 169-C, or 169-D after the adoption. A determination of misappropriation is subject to the provisions of RSA 126-A:5, VIII.*

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill provides that the state has no right of action against adoptive or prospective adoptive parents for the expenses of court-ordered services, placements, and programs, unless the adoptive parent has been convicted of sexual or physical abuse of the adopted child or has misappropriated adoption subsidy moneys.

Adopted.

Report adopted and ordered to third reading.

**SB 25**, establishing employer immunity from civil liability for good faith disclosure of information regarding current and former employees to prospective employers. RE-REFER TO COMMITTEE Rep. Sandra B. Keans for Judiciary and Family Law: This bill was presented on behalf of the business community as a response to potential lawsuits. The committee had a hard time with many of the provisions based on the fact that this is an "employee at will" state. Also the proof required in these actions was a higher standard than needed in other civil actions. Even after joint subcommittees with the Labor committee, and the adoption of several amendments, the Judiciary & Family Law committee was unable to agree on a final bill which protected both sides. We believe the issue is of such importance that more data needs to be studied. Adopting legislation based on anecdotal information might only compound the problems associated with employer/employee relations. Vote 12-1. Adopted.

**SB 40**, relative to the payment of wages by employers. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Lawrence V. Guaraldi for the Majority of Labor, Industrial and Rehabilitative Services: The bill clarifies the method of payment or deposit of wages, prohibits any agreement for work to be paid less than the minimum wage, requires wage claims to be filed with the Department of Labor within 18 months from the date wages were due, and establishes the minimum hourly rate for

employees receiving tips at \$2.38 per hour or 45 percent of the federal minimum wage, whichever is higher. In 1996, Congress increased the minimum wage from \$4.25 to \$4.75. In September, it rises again to \$5.15. This represents a payroll increase to hospitality operators close to 20 percent within one year. In addition, this increase does not include all the additional cost burdens that are a function of payroll - such as worker's compensation insurance and business enterprise taxes. At the same time, Congress changed the federal tip credit determination from its "percentage formula" basis to a permanent freeze of \$2.13 per hour, which became effective for 26 states. This "percentage formula" basis has been traditionally applied at both the federal and state levels. This federal change broke New Hampshire's long-standing tradition of adhering to federal minimum wage standards. Even though the tradition has been broken, the majority seeks to establish a minimum rate at least 25 cents higher than the old traditional rate would provide. The committee heard testimony that tipped employees are among the most highly compensated employees in the food service industry and that they earn anywhere between \$8 to \$16 per hour. Under state law, tipped employees are guaranteed the minimum wage no matter what. If not, the employer is responsible for making up the difference if actual tip earnings are reported less than this amount. Both New Hampshire and federal income tax laws, as well as the IRS, treat 100 percent of tip earnings as income. Clearly tips are wages and there are safeguards in the law to guarantee that all tipped employees earn at least the minimum wage. Because the New Hampshire payroll rate for tipped employees (\$2.38) is higher than the federal rate, because tipped employees earn well above the minimum wage, and because the hospitality industry employs over 42,000 workers and generates significant revenues to state coffers (\$113 million alone in meals and room taxes), the majority believes it is good public policy to freeze the payroll rate at the current level of \$2.38 with a 45 percent formula for future tip credit determinations. The majority feels this is a "win-win" situation for both employees and employers. Vote 10-5.

Reps. Donald D. Welch, Richard E. Dolan, Jane P. Kelley, Lorraine R. Palmer and Benjamin C. Baroody for the Minority of Labor, Industrial and Rehabilitative Services: New Hampshire has had a long standing tradition of setting the minimum wage for "tipped" employees, waiters and waitresses at one-half of the minimum wage for "non-tipped" employees. This minimum wage for "tipped" employees is scheduled to increase to \$2.58 in September, 1997. This tradition paralleled the federal law until the federal minimum wage increased on October 1, 1996, to \$4.75 an hour, when Congress froze the minimum wage for "tipped" employees at \$2.13. The majority amendment is nothing more than "a wolf in sheep's clothing!" The majority believes it is fair to break tradition by reducing the "tipped" employees' minimum wage to 45 percent of the standard minimum wage. When asked why 45 percent was better than 50 percent, the majority gave no justification for this number. The minority believes in protecting the low wage earners, students working to save money for college, single parents working second jobs to pay for medical expenses, fuel, or food. Keeping in place the long standing tradition of paying "tipped" employees one-half the minimum wage is in the state's best interest.

#### Amendment (1422h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the payment of wages by employers and increasing the minimum hourly rate.

Amend RSA 275:43, I as inserted by section 1 of the bill by replacing it with the following:

I. Every employer shall pay all wages due to ~~his~~ employees within 8 days including Sunday after expiration of the week in which the work is performed, *except when permitted to pay wages less frequently as authorized by the commissioner pursuant to paragraph II*, on regular paydays designated in advance by the employer[-]:

(a) In lawful money of the United States,

(b) By ~~deposit through~~ electronic fund transfer ~~[or otherwise]~~ *at no cost to the employee,*

(c) *By direct deposit* with written authorization of the employee to banks of the employee's choice, or

(d) With checks on banks convenient to the place of employment where suitable arrangements are made for the cashing of such checks by employees for the full amount of the wages due; *provided, however, that if an employer elects to pay employees as specified in subparagraphs (b) or (c), the employer shall offer employees the option of being paid as specified in subparagraph (d), and further provided [-however,] that all wages in the nature of health and welfare fund or*

pension fund contributions required pursuant to a health and welfare fund trust agreement, pension fund trust agreement, collective bargaining agreement, or other agreement, adopted for the benefit of [his] employees and agreed to by [him] *the employer* shall be paid by every such employer within 30 days of the date of demand for such payment, the payment to be made to the administrator or other designated official of the applicable health and welfare or pension trust fund.

Amend the bill by replacing all after section 4 with the following:

5 Minimum Hourly Rate. The introductory paragraph of RSA 279:21 is repealed and reenacted to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

| Date                                | Hourly Rate |
|-------------------------------------|-------------|
| April 1, 1991 to September 30, 1996 | \$4.25      |
| October 1, 1996 to August 31, 1997  | \$4.75      |
| On and after September 1, 1997      | \$5.15      |

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$20 a month in tips directly from the customers will receive a base rate from the employer of not less than \$2.38 per hour. With any change to the minimum wage after the effective date of this section, the employer is responsible to pay employees \$2.38 per hour or 45 percent of the applicable minimum wage whichever is higher. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill:

- (a) Clarifies the method of payment or deposit of wages;
- (b) Prohibits any agreement for work to be paid less than minimum wage; and
- (c) Requires wage claims to be filed with the department of labor within 18 months from the date wages were due.

(d) Increases the minimum hourly rate for employees to match the federal rate.

Reps. Dolan and Baroody spoke against.

Rep. Murch spoke in favor and yielded to questions.

Rep. Donald Welch spoke against and yielded to questions.

Reps. Clegg and Daniels spoke in favor.

Rep. Dolan requested a roll call; sufficiently seconded.

The question being the adoption of the majority amendment.

**YEAS 193 NAYS 156**

**YEAS 193**

**BELKNAP**

|                  |                  |                |                |
|------------------|------------------|----------------|----------------|
| Bartlett, Gordon | Boyce, Robert    | Calvert, Alice | Clark, Charles |
| Golden, Paul     | Holbrook, Robert | Hurt, George   | Laflam, Robert |
| Lawton, David    | Pilliod, James   | Rosen, Ralph   | Thomas, John   |
| Turner, Robert   | Veazey, John     |                |                |

**CARROLL**

|                    |                 |                |                   |
|--------------------|-----------------|----------------|-------------------|
| Babson, David, Jr. | Bradley, Jeb    | Chandler, Gene | Cooper, Kipp      |
| Foster, Robert     | Howard, Godfrey | Kenney, Joseph | Lyman, L. Randy   |
| MacDonald, Kenneth | Mock, Henry     | Patten, Betsey | Philbrick, Donald |

**CHESHIRE**

|                   |                  |                 |                    |
|-------------------|------------------|-----------------|--------------------|
| Hunt, John        | Lynott, Margaret | McNamara, Wanda | Metzger, Katherine |
| Royce, H. Charles | Smith, Edwin     |                 |                    |

**COOS**

Merrill, Gerald

Pratt, Leighton

Tholl, John, Jr.

**GRAFTON**

Akins, Ralph

Eaton, Stephanie

MacNeil, Allen

Teschner, Douglass

Alger, John

Guaraldi, Lawrence

Mirski, Paul

Telfa, Richard

Brown, Channing

Hill, Richard

Phinney, William

Weber, Phil

Connolly, Steven

Hinman, Harry

Root, John

Williams, William, Jr.

**HILLSBOROUGH**

Alukonis, David

Belvin, William

Calawa, Leon, Jr.

Christiansen, Lars

Dawe, Eileen

Emerton, Lawrence, Sr.

Golding, William

Herman, Keith

Jean, Loren

LaRose, Richard

MacGillivray, Jeffrey

McRae, Karen

Mittelman, David

Pepino, Leo

Searles, Stanley, Sr.

Wright, George

Amidon, Eleanor

Briefs, Geoffrey

Carlson, Donald

Clay, Susan

Desrosiers, William

Fields, Dennis

Goulet, Maurice

Holley, Sylvia

Kelley, Robert

Letendre, Evelyn

MacIntyre, Doris

Mercer, Robert

Morello, Michael

Peterson, Andrew

Thulander, O. Alan

Arnold, Thomas, Jr.

Brundige, Robert

Carney, Lauren

Clegg, Robert, Jr.

Durham, Susan

Flora, Kathleen

Hansen, Herbert

Holt, David

Kurk, Neal

Lozeau, Donnalee

McCarty, Winston

Messier, Irene

Murch, George

Riley, Frances

Wheeler, Robert

Batula, Peter

Burke, M. Virginia

Chabot, Robert

Daniels, Gary

Dyer, Merton

Gagnon, Eugene

Healy, Daniel

Hunter, Bruce

L'Heureux, Robert

Luebker, Bernard

McGough, Tim

Milligan, Robert

O'Hearn, Jane

Sargent, Maxwell

White, Donald

**MERRIMACK**

Adams, Stephen

Crosby, Toni

French, Barbara

Lamach, Bernard

Marshall, Kenneth

Whittemore, James

Anderson, Eric

Crowell, Peter

Hess, David

Larrabee, David

Maxfield, Roy

Chandler, Earle

DeStefano, Stephen

Hoadley, Elizabeth

Lavoie, Gerard

Nichols, Avis

Colburn, Thomas

Feuerstein, Martin

Krueger, Patricia

Leber, William

Whalley, Michael

**ROCKINGHAM**

Aranda, M. Kathryn

Camm, Kevin

Dearborn, Bruce

Felch, Charles, Sr.

Flanders, John, Sr.

Griffin, Mary

Johnson, Robert

Kobel, Rudolph

Malcolm, Kenneth

Moore, Benjamin

Packard, Sherman

Stickney, Nancy

Woods, Deborah

Arndt, Janet

Cegelis, Mark

Dowd, Sandra

Fesh, Robert

Francœur, Sheila

Guthrie, Joseph

Katsakiores, George

Langley, Jane

McCarthy, John, Jr.

Morris, Debbie

Raynowska, Bernard

Stone, Joseph

Beaulieu, Jon

Christie, Andrew, Jr.

Dube, LeRoy

Flanagan, Natalie

Frechette, Joseph

Henderson, Warren

Katsakiores, Phyllis

Letourneau, Robert

McKinney, Betsy

Nowe, Ronald

Rubin, George

Varrell, Thomas

Belanger, Ronald

Cote, Patricia

Dunham, Vivian

Flanders, David

Gleason, John

Hutchinson, Rebecca

Klemm, Arthur, Jr.

Major, Norman

Mikowski, Walter

Noyes, Richard

Smith, Kevin

Welch, David

**STRAFFORD**

Kaen, Naida

Tsiros, William

McKinley, Robert

Vincent, Francis

Spear, Barbara

Wall, Janet

Torr, Franklin

**SULLIVAN**

Adler, Rudolf

Flint, Gordon

Kibbey, David

Leone, Richard

**NAYS 156****BELKNAP**

|                |                |                   |                    |
|----------------|----------------|-------------------|--------------------|
| Boriso, Thomas | Lawton, Robert | Rice, Thomas, Jr. | Salatiello, Thomas |
|----------------|----------------|-------------------|--------------------|

**CARROLL**

Dickinson, Howard, Jr.

**CHESHIRE**

|                     |                    |                    |                   |
|---------------------|--------------------|--------------------|-------------------|
| Bonneau, Sarah      | Burnham, Daniel    | Champagne, Richard | Doucette, Richard |
| Manning, Joseph     | McGuirk, Paul      | Meador, David      | Pratt, John       |
| Richardson, Barbara | Robertson, Timothy | Russell, Ronald    | Vogl, John        |

**COOS**

|                 |                   |                  |               |
|-----------------|-------------------|------------------|---------------|
| Bradley, Paula  | Coulombe, Henry   | Coulombe, Yvonne | Davis, Perley |
| Guay, Lawrence  | Hawkinson, Marie  | Horton, Lynn     | Mears, Edgar  |
| Moynihan, Wayne | St. Hilaire, Paul |                  |               |

**GRAFTON**

|                  |                |                    |               |
|------------------|----------------|--------------------|---------------|
| Almy, Susan      | Below, Clifton | Copenhaver, Marion | Guest, Robert |
| Ham, Bonnie      | LaMott, Paul   | Lovett, Sidney     | Luker, Elsa   |
| Nordgren, Sharon |                |                    |               |

**HILLSBOROUGH**

|                         |                      |                       |                   |
|-------------------------|----------------------|-----------------------|-------------------|
| Allen, W. Gordon        | Ameen, W.            | Asselin, Robert       | Baroody, Benjamin |
| Bergin, Peter           | Boutin, David        | Cardin, Lori          | Clemons, Jane     |
| Cote, David             | Cote, Peter          | D'Allesandro, Lou     | Daigle, Robert    |
| Drabinowicz, A. Theresa | Dwyer, Paul, Sr.     | Fenton, James         | Ferguson, Charles |
| Foster, Joseph          | Foster, Linda        | Franks, Suzan         | Gage, Ruth        |
| Gosselin, Gerald        | Hart, Nick           | Jean, Claudette       | Johnson, Lionel   |
| Kelly, Michael          | Lefebvre, Roland     | Leishman, Peter       | Leonard, Peter    |
| Lynde, Harold           | MacAuslan, Rita      | Marcinkowski, Michael | Martin, Mary      |
| McCarthy, William       | McDonald, James, Sr. | Melcher, Harold       | O'Rourke, Thomas  |
| Perkins, Paul           | Piteri, Dawn         | Reidy, Frank          | Turgeon, Roland   |
| Vaillancourt, Steve     | Welch, Donald        | White, Jay            | Williams, Carol   |

**MERRIMACK**

|                   |                   |                |                    |
|-------------------|-------------------|----------------|--------------------|
| Burney, Carol     | Daneault, Gabriel | Dunn, Miriam   | Fraser, Marilyn    |
| Gile, Mary        | Hager, Elizabeth  | Jacobson, Alf  | Lockwood, Robert   |
| Moore, Carol      | Owen, Derek       | Pfaff, Terence | Reardon, Tara      |
| Rogers, Katherine | St. Cyr, Gerard   | Wallin, Jean   | Wallner, Mary Jane |
| Yeaton, Charles   |                   |                |                    |

**ROCKINGHAM**

|                    |                    |                    |                   |
|--------------------|--------------------|--------------------|-------------------|
| Bishop, Franklin   | Blanchard, MaryAnn | Clark, Martha      | Coes, Betsy       |
| Cooney, Richard    | Cushing, Robert    | Dodge, Robert      | Dolan, Richard    |
| Downing, Michael   | Gibbons, Paul      | Heath, John        | Kane, Cecelia     |
| Kelley, Jane       | Langone, John      | Lovejoy, Marian    | McGovern, Cynthia |
| Micklon, Stephanie | Norelli, Terie     | O'Keefe, Patricia  | Pantelakos, Laura |
| Sabella, Norma     | Schanda, Frank     | Stritch, C. Donald | Syracusa, Anthony |
| Vaughn, Charles    | Weyler, Kenneth    |                    |                   |

**STRAFFORD**

|                  |                   |                      |                    |
|------------------|-------------------|----------------------|--------------------|
| Berube, Roger    | Bickford, David   | Brennan, William     | Brown, George      |
| Callaghan, Frank | DeChane, Marlene  | Dunlap, Patricia     | Estabrook, Iris    |
| Grassie, Anne    | Hemon, Roland     | Hilliard, Dana       | Keans, Sandra      |
| Knowles, William | Lundborn, Raymond | McCann, William, Jr. | Merrill, Amanda    |
| Merritt, Deborah | Pelletier, Arthur | Pelletier, Marsha    | Rogers, Rose Marie |
| Rollo, Michael   | Smith, Marjorie   | Snyder, Clair        | Sullivan, Henry    |
| Taylor, Kathleen | Twardus, Joseph   |                      |                    |

**SULLIVAN**

Burling, Peter  
Palmer, Lorraine

Cloutier, John  
Schotanus, Merle

Donovan, Thomas  
Wiggins, Celestine

Ferland, Brenda

and the majority amendment was adopted.  
Majority report adopted and ordered to third reading.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Rollo requested that his protest be entered on the Journal

I must protest the action taken by this House by accepting the majority motion of Ought to Pass with Amendment to Senate Bill 40. As a former employee working for tips, I find it a horrible situation that this House has forgotten the working classes and, instead, said in effect, "you don't count."

**RECONSIDERATION**

Having voted with the prevailing side, Rep. O'Hearn moved that the House reconsider its action whereby it passed and referred to Finance **SB 202**, relative to the certification of teachers, high school graduation examinations and making an appropriation therefor, school building aid, and establishing a committee to study school discipline and manifest educational hardship, and spoke against.

Rep. Keans requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

**YEAS 152 NAYS 194**

**YEAS 152**

**BELKNAP**

Salatiello, Thomas

Turner, Robert

**CARROLL**

Bradley, Jeb

**CHESHIRE**

Bonneau, Sarah  
Lynott, Margaret  
Richardson, Barbara

Burnham, Daniel  
McGuirk, Paul  
Robertson, Timothy

Champagne, Richard  
Meader, David  
Russell, Ronald

Doucette, Richard  
Pratt, John  
Vogl, John

**COOS**

Bradley, Paula  
Horton, Lynn

Coulombe, Henry  
Mears, Edgar

Davis, Perley  
Moynihan, Wayne

Hawkinson, Marie

**GRAFTON**

Almy, Susan  
Ham, Bonnie  
Nordgren, Sharon

Below, Clifton  
LaMott, Paul

Copenhaver, Marion  
Lovett, Sidney

Guest, Robert  
Luker, Elsa

**HILLSBOROUGH**

Allen, W. Gordon  
Cardin, Lori  
Cote, David  
Drabinowicz, A. Theresa  
Foster, Joseph  
Gosselin, Gerald  
Kelly, Michael  
MacAuslan, Rita  
Melcher, Harold  
Reidy, Frank  
White, Jay

Ameen, W.  
Chabot, Robert  
Cote, Peter  
Dwyer, Paul, Sr.  
Foster, Linda  
Hart, Nick  
Lefebvre, Roland  
Martin, Mary  
Messier, Irene  
Turgeon, Roland  
Williams, Carol

Asselin, Robert  
Christiansen, Lars  
D'Allesandro, Lou  
Fenton, James  
Franks, Suzan  
Jean, Claudette  
Leonard, Peter  
McCarthy, William  
O'Rourke, Thomas  
Vaillancourt, Steve

Baroody, Benjamin  
Clemons, Jane  
Daigle, Robert  
Ferguson, Charles  
Gage, Ruth  
Johnson, Lionel  
Lynde, Harold  
McDonald, James, Sr.  
Perkins, Paul  
Welch, Donald

**MERRIMACK**

Burney, Carol  
Dunn, Miriam  
Gile, Mary  
Owen, Derek  
Wallner, Mary Jane

Crosby, Toni  
Feuerstein, Martin  
Hager, Elizabeth  
Reardon, Tara  
Yeaton, Charles

Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
St. Cyr, Gerard

DeStefano, Stephen  
French, Barbara  
Moore, Carol  
Wallin, Jean

**ROCKINGHAM**

Bishop, Franklin  
Cooney, Richard  
Guthrie, Joseph  
Kelley, Jane  
Norelli, Terie  
Schanda, Frank

Blanchard, MaryAnn  
Cushing, Robert  
Heath, John  
Langone, John  
O'Keefe, Patricia  
Syracusa, Anthony

Clark, Martha  
Downing, Michael  
Hutchinson, Rebecca  
McGovern, Cynthia  
Pantelakos, Laura  
Vaughn, Charles

Coes, Betsy  
Gibbons, Paul  
Kane, Cecelia  
Micklon, Stephanie  
Sabella, Norma

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Merrill, Amanda  
Rogers, Rose Marie  
Sullivan, Henry  
Wall, Janet

Bickford, David  
DeChane, Marlene  
Hemon, Roland  
Knowles, William  
Merritt, Deborah  
Rollo, Michael  
Taylor, Kathleen

Brennan, William  
Dunlap, Patricia  
Hilliard, Dana  
Lundborn, Raymond  
Pelletier, Arthur  
Smith, Marjorie  
Tsiros, William

Brown, George  
Estabrook, Iris  
Kaen, Naida  
McCann, William, Jr.  
Pelletier, Marsha  
Snyder, Clair  
Twardus, Joseph

**SULLIVAN**

Burling, Peter  
Flint, Gordon  
Wiggins, Celestine

Cloutier, John  
Leone, Richard

Donovan, Thomas  
Palmer, Lorraine

Ferland, Brenda  
Schothanus, Merle

**NAYS 194****BELKNAP**

Bartlett, Gordon  
Clark, Charles  
Laflam, Robert  
Rice, Thomas, Jr.

Boriso, Thomas  
Golden, Paul  
Lawton, David  
Rosen, Ralph

Boyce, Robert  
Holbrook, Robert  
Lawton, Robert  
Thomas, John

Calvert, Alice  
Hurt, George  
Pilliod, James  
Veazey, John

**CARROLL**

Babson, David, Jr.  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

**CHESHIRE**

Hunt, John  
Royce, H. Charles

Manning, Joseph  
Smith, Edwin

McNamara, Wanda

Metzger, Katherine

**COOS**

Coulombe, Yvonne  
St. Hilaire, Paul

Guay, Lawrence  
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
MacNeil, Allen  
Trelfa, Richard

Alger, John  
Guaraldi, Lawrence  
Phinney, William  
Weber, Phil

Brown, Channing  
Hill, Richard  
Root, John  
Williams, William, Jr.

Connolly, Steven  
Hinman, Harry  
Teschner, Douglass

**HILLSBOROUGH**

|                       |                       |                       |                        |
|-----------------------|-----------------------|-----------------------|------------------------|
| Alukonis, David       | Amidon, Eleanor       | Arnold, Thomas, Jr.   | Batula, Peter          |
| Belvin, William       | Bergin, Peter         | Briefs, Geoffrey      | Brundige, Robert       |
| Burke, M. Virginia    | Calawa, Leon, Jr.     | Carlson, Donald       | Carney, Lauren         |
| Clay, Susan           | Clegg, Robert, Jr.    | Daniels, Gary         | Dawe, Eileen           |
| Desrosiers, William   | Durham, Susan         | Dyer, Merton          | Emerton, Lawrence, Sr. |
| Fields, Dennis        | Flora, Kathleen       | Gagnon, Eugene        | Golding, William       |
| Goulet, Maurice       | Hansen, Herbert       | Healy, Daniel         | Herman, Keith          |
| Holley, Sylvia        | Holt, David           | Hunter, Bruce         | Jean, Loren            |
| Kelley, Robert        | Kurk, Neal            | L'Heureux, Robert     | LaRose, Richard        |
| Leishman, Peter       | Letendre, Evelyn      | Lozeau, Donnalee      | Luebker, Bernard       |
| MacGillivray, Jeffrey | MacIntyre, Doris      | Marcinkowski, Michael | McCarty, Winston       |
| McGough, Tim          | McRae, Karen          | Mercer, Robert        | Milligan, Robert       |
| Mittelman, David      | Morello, Michael      | Murch, George         | O'Hearn, Jane          |
| Pepino, Leo           | Peterson, Andrew      | Piteri, Dawn          | Riley, Frances         |
| Sargent, Maxwell      | Searles, Stanley, Sr. | Thulander, O. Alan    | Wheeler, Robert        |
| White, Donald         | Wright, George        |                       |                        |

**MERRIMACK**

|                   |                  |                    |                   |
|-------------------|------------------|--------------------|-------------------|
| Adams, Stephen    | Anderson, Eric   | Chandler, Earle    | Colburn, Thomas   |
| Crowell, Peter    | Hess, David      | Hoadley, Elizabeth | Krueger, Patricia |
| Lamach, Bernard   | Larrabee, David  | Lavoie, Gerard     | Leber, William    |
| Marshall, Kenneth | Maxfield, Roy    | Nichols, Avis      | Plaff, Terence    |
| Rogers, Katherine | Whalley, Michael | Whittemore, James  |                   |

**ROCKINGHAM**

|                    |                     |                       |                    |
|--------------------|---------------------|-----------------------|--------------------|
| Aranda, M. Kathryn | Arndt, Janet        | Beaulieu, Jon         | Belanger, Ronald   |
| Camm, Kevin        | Cegelis, Mark       | Christie, Andrew, Jr. | Cote, Patricia     |
| Dearborn, Bruce    | Dodge, Robert       | Dolan, Richard        | Dowd, Sandra       |
| Dube, LeRoy        | Dunham, Vivian      | Felch, Charles, Sr.   | Fesh, Robert       |
| Flanagan, Natalie  | Flanders, David     | Flanders, John, Sr.   | Francoeur, Sheila  |
| Frechette, Joseph  | Gleason, John       | Griffin, Mary         | Henderson, Warren  |
| Johnson, Robert    | Katsakiores, George | Katsakiores, Phyllis  | Klemm, Arthur, Jr. |
| Kobel, Rudolph     | Langley, Jane       | Letourneau, Robert    | Lovejoy, Marian    |
| Major, Norman      | Malcolm, Kenneth    | McCarthy, John, Jr.   | McKinney, Betsy    |
| Mikowski, Walter   | Moore, Benjamin     | Morris, Debbie        | Nowe, Ronald       |
| Noyes, Richard     | Packard, Sherman    | Raynowska, Bernard    | Rubin, George      |
| Smith, Kevin       | Stickney, Nancy     | Stone, Joseph         | Stritch, C. Donald |
| Varrell, Thomas    | Welch, David        | Weyler, Kenneth       | Woods, Deborah     |

**STRAFFORD**

|                  |                |                |                  |
|------------------|----------------|----------------|------------------|
| McKinley, Robert | Spear, Barbara | Torr, Franklin | Vincent, Francis |
|------------------|----------------|----------------|------------------|

**SULLIVAN**

|               |               |
|---------------|---------------|
| Adler, Rudolf | Kibbey, David |
|---------------|---------------|

and reconsideration failed.

Rep. Mirski declared a conflict of interest and did not participate.

**REGULAR CALENDAR (CONT'D.)**

**SB 196-FN-L**, allowing the transmission of simulcast races at grand hotels. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Linda T. Foster for the Majority of Local and Regulated Revenues: The majority of the committee believes that this bill gives New Hampshire's grand hotels an important tool to revitalize their businesses and stimulate their regional economy. The bill keeps in place the regulatory plan and public protections which currently govern pari-mutuel wagering. It includes a home rule provision whereby a majority of the voters in the municipality where the hotel is located must vote to

allow pari-mutuel wagering. This is enabling legislation. Whether or not to request such licensure and local referendum is the business decision of the owner. Whether or not you, the consumer, decide to stay in a facility which is granted such licensure is your individual choice. The majority believes that the benefit to local communities in keeping our historic grand hotels open and economically viable far outweighs any imagined negative impact of the legislation. Vote 11-9.

Reps. Betsy McKinney, Betsy A. Coes, William J. Desrosiers, Marian E. Lovejoy, Lauren Carney, and Dawn C. Piteri for the Minority of Local and Regulated Revenues: A substantial minority of the committee, including a majority of the Republicans, are strongly opposed to this major expansion of gambling at a non-track site. This bill permits off-track betting for the first time. It opens the door to a further, far more extensive expansion of gambling, as evidenced by an amendment offered in committee which would have allowed off-track betting in any hotel or motel with more than 80 rooms. This bill crosses the well-defined line which limits pari-mutuel gambling to only the four racetracks. It also singles out a single business entity for special treatment and discriminates against its competitors. This bill is not needed. It will only generate an estimated \$311,000 in additional revenue to the state, which does not begin to offset any revenue which may be lost from other bills concerning racing.

Reps. Cooper and Pfaff spoke against.

Reps. Linda Foster and Guay spoke in favor and yielded to questions.

Reps. Coes and Henderson spoke against and yielded to questions.

Reps. Trelfa and Robert Lawton spoke in favor.

Rep. Henderson requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 104 NAYS 240

### YEAS 104

#### BELKNAP

Boriso, Thomas  
Salatiello, Thomas

Laflam, Robert  
Thomas, John

Lawton, David  
Veazey, John

Lawton, Robert

#### CARROLL

MacDonald, Kenneth

#### CHESHIRE

Burnham, Daniel  
McGuirk, Paul  
Vogl, John

Champagne, Richard  
McNamara, Wanda

Doucette, Richard  
Riley, William

Lynott, Margaret  
Russell, Ronald

#### COOS

Coulombe, Henry  
Hawkinson, Marie  
Moynihan, Wayne

Coulombe, Yvonne  
Horton, Lynn  
St. Hilaire, Paul

Davis, Perley  
Mears, Edgar

Guay, Lawrence  
Merrill, Gerald

#### GRAFTON

Hill, Richard

LaMott, Paul

Trelfa, Richard

#### HILLSBOROUGH

Allen, W. Gordon  
Cardin, Lori  
Daigle, Robert  
Ferguson, Charles  
Gosselin, Gerald  
Johnson, Lionel  
MacAuslan, Rita  
Reidy, Frank  
White, Jay

Ameen, W.  
Clemons, Jane  
Drabinowicz, A. Theresa  
Fields, Dennis  
Hart, Nick  
Kelly, Michael  
Milligan, Robert  
Turgeon, Roland  
Williams, Carol

Asselin, Robert  
Cote, Peter  
Dwyer, Paul, Sr.  
Foster, Linda  
Healy, Daniel  
L'Heureux, Robert  
O'Rourke, Thomas  
Vaillancourt, Steve

Baroody, Benjamin  
D'Allesandro, Lou  
Fenton, James  
Gage, Ruth  
Jean, Claudette  
Leonard, Peter  
Perkins, Paul  
Welch, Donald

**MERRIMACK**

Burney, Carol  
Rogers, Katherine

Daneault, Gabriel  
St. Cyr, Gerard

Maxfield, Roy  
Wallin, Jean

Reardon, Tara  
Whittemore, James

**ROCKINGHAM**

Belanger, Ronald  
Flanagan, Natalie  
Katsakiores, Phyllis  
McGovern, Cynthia  
Rubin, George

Cegelis, Mark  
Guthrie, Joseph  
Kelley, Jane  
O'Keefe, Patricia

Cushing, Robert  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Pantelakos, Laura

Felch, Charles, Sr.  
Katsakiores, George  
Langone, John  
Raynowska, Bernard

**STRAFFORD**

Brennan, William  
Grassie, Anne  
Rollo, Michael

Brown, George  
Hilliard, Dana  
Sullivan, Henry

Callaghan, Frank  
Lundborn, Raymond  
Twardus, Joseph

DeChane, Marlene  
McCann, William, Jr.

**SULLIVAN**

Burling, Peter

Donovan, Thomas

Flint, Gordon

Schotanus, Merle

**NAYS 240****BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Rice, Thomas, Jr.

Boyce, Robert  
Holbrook, Robert  
Rosen, Ralph

Calvert, Alice  
Hurt, George  
Turner, Robert

Clark, Charles  
Pilliod, James

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy

Bradley, Jeb  
Foster, Robert  
Mock, Henry

Chandler, Gene  
Howard, Godfrey  
Patten, Betsey

Cooper, Kipp  
Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Bonneau, Sarah  
Metzger, Katherine  
Royce, H. Charles

Hunt, John  
Pratt, John  
Smith, Edwin

Manning, Joseph  
Richardson, Barbara

Meador, David  
Robertson, Timothy

**COOS**

Bradley, Paula

Pratt, Leighton

Tholl, John, Jr.

**GRAFTON**

Akins, Ralph  
Brown, Channing  
Guaraldi, Lawrence  
Lovett, Sidney  
Nordgren, Sharon  
Weber, Phil

Alger, John  
Connolly, Steven  
Guest, Robert  
Luker, Elsa  
Phinney, William  
Williams, William, Jr.

Almy, Susan  
Copenhaver, Marion  
Ham, Bonnie  
MacNeil, Allen  
Root, John

Below, Clifton  
Eaton, Stephanie  
Hinman, Harry  
Mirski, Paul  
Teschner, Douglass

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Brundige, Robert  
Carney, Lauren  
Clegg, Robert, Jr.  
Desrosiers, William  
Foster, Joseph  
Goulet, Maurice  
Holt, David

Amidon, Eleanor  
Bergin, Peter  
Burke, M. Virginia  
Chabot, Robert  
Cote, David  
Durham, Susan  
Franks, Suzan  
Hansen, Herbert  
Hunter, Bruce

Arnold, Thomas, Jr.  
Boutin, David  
Calawa, Leon, Jr.  
Christiansen, Lars  
Daniels, Gary  
Dyer, Merton  
Gagnon, Eugene  
Herman, Keith  
Jean, Loren

Batula, Peter  
Briefs, Geoffrey  
Carlson, Donald  
Clay, Susan  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Golding, William  
Holley, Sylvia  
Kelley, Robert

Kurk, Neal  
 Letendre, Evelyn  
 MacGillivray, Jeffrey  
 McCarthy, William  
 McRae, Karen  
 Mittelman, David  
 Pepino, Leo  
 Sargent, Maxwell  
 White, Donald

LaRose, Richard  
 Lozeau, Donnalee  
 MacIntyre, Doris  
 McCarty, Winston  
 Melcher, Harold  
 Morello, Michael  
 Peterson, Andrew  
 Searles, Stanley, Sr.  
 Wright, George

Lefebvre, Roland  
 Luebker, Bernard  
 Marcinkowski, Michael  
 McDonald, James, Sr.  
 Mercer, Robert  
 Murch, George  
 Piteri, Dawn  
 Thulander, O. Alan

Leishman, Peter  
 Lynde, Harold  
 Martin, Mary  
 McGough, Tim  
 Messier, Irene  
 O'Hearn, Jane  
 Riley, Frances  
 Wheeler, Robert

### MERRIMACK

Adams, Stephen  
 Crosby, Toni  
 Feuerstein, Martin  
 Hager, Elizabeth  
 Krueger, Patricia  
 Leber, William  
 Owen, Derek  
 Yeaton, Charles

Anderson, Eric  
 Crowell, Peter  
 Fraser, Marilyn  
 Hess, David  
 Lamach, Bernard  
 Marshall, Kenneth  
 Pfaff, Terence

Chandler, Earle  
 DeStefano, Stephen  
 French, Barbara  
 Hoadley, Elizabeth  
 Larrabee, David  
 Moore, Carol  
 Wallner, Mary Jane

Colburn, Thomas  
 Dunn, Miriam  
 Gile, Mary  
 Jacobson, Alf  
 Lavoie, Gerard  
 Nichols, Avis  
 Whalley, Michael

### ROCKINGHAM

Aranda, M. Kathryn  
 Blanchard, MaryAnn  
 Coes, Betsy  
 Dodge, Robert  
 Dube, LeRoy  
 Flanders, John, Sr.  
 Gleason, John  
 Hutchinson, Rebecca  
 Letourneau, Robert  
 McCarthy, John, Jr.  
 Moore, Benjamin  
 Noyes, Richard  
 Smith, Kevin  
 Varrell, Thomas  
 Woods, Deborah

Arndt, Janet  
 Camm, Kevin  
 Cooney, Richard  
 Dolan, Richard  
 Dunham, Vivian  
 Francoeur, Sheila  
 Griffin, Mary  
 Johnson, Robert  
 Lovejoy, Marian  
 McKinney, Betsy  
 Morris, Debbie  
 Packard, Sherman  
 Stickney, Nancy  
 Vaughn, Charles

Beaulieu, Jon  
 Christie, Andrew, Jr.  
 Cote, Patricia  
 Dowd, Sandra  
 Fesh, Robert  
 Frechette, Joseph  
 Heath, John  
 Kobel, Rudolph  
 Major, Norman  
 Micklon, Stephanie  
 Norelli, Terie  
 Sabella, Norma  
 Stritch, C. Donald  
 Welch, David

Bishop, Franklin  
 Clark, Martha  
 Dearborn, Bruce  
 Downing, Michael  
 Flanders, David  
 Gibbons, Paul  
 Henderson, Warren  
 Langley, Jane  
 Malcolm, Kenneth  
 Mikowski, Walter  
 Nowe, Ronald  
 Schanda, Frank  
 Syracuse, Anthony  
 Weyler, Kenneth

### STRAFFORD

Bickford, David  
 Kaen, Naïda  
 Merrill, Amanda  
 Rogers, Rose Marie  
 Taylor, Kathleen

Dunlap, Patricia  
 Keans, Sandra  
 Merritt, Deborah  
 Smith, Marjorie  
 Torr, Franklin

Estabrook, Iris  
 Knowles, William  
 Pelletier, Arthur  
 Snyder, Clair  
 Tsiros, William

Hemon, Roland  
 McKinley, Robert  
 Pelletier, Marsha  
 Spear, Barbara  
 Wall, Janet

### SULLIVAN

Cloutier, John  
 Palmer, Lorraine

Ferland, Brenda  
 Wiggins, Celestine

Kibbey, David

Leone, Richard

and the majority report failed.

Rep. Lessard did not vote and wished to be recorded in favor.

Rep. Lockwood wished to be recorded against.

Rep. Henderson moved Inexpedient to Legislate.

Adopted.

### INDEFINITE POSTPONEMENT

Rep. Lozeau moved that **SB 196**, allowing the transmission of simulcast races at grand hotels, be indefinitely postponed.

Adopted.

**REGULAR CALENDAR (CONT'D.)****SB 216-FN-A**, relative to pari-mutuel racing and taxes on pari-mutuel pools. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Local and Regulated Revenues: This bill revises the commission structure on pari-mutuel pools. The new structure of the tax lowers and standardizes the overall rate of tax on all pari-mutuel wagering. The amendment puts back in the law the 100 days of live racing requirement and removes computer wagering from the bill. Vote 14-6.

**Amendment (1284h)**

Amend the bill by replacing section 2 with the following:

2 New Section; Pari-Mutuel Commission; Rulemaking. Amend RSA 284 by inserting after section 11 the following new section:

284:11-a Discretionary Rulemaking. The pari-mutuel commission may adopt rules, pursuant to RSA 541-A and after a public hearing, to allow pari-mutuel licensees to utilize existing and developing technologies to accept pari-mutuel wagers such as account wagering and telephone wagering. Such wagering shall be on pari-mutuel races and pari-mutuel race meets permitted under this chapter.

Amend the bill by deleting sections 4 and 5 and renumbering the original sections 6-8 to read as 4-6, respectively.

Amend RSA 284:23 as inserted by section 4 of the bill by inserting after paragraph VI the following new paragraph:

VII. For the purposes of this chapter, "racing program" means live racing with any number of individual races as determined by the pari-mutuel commission. A live race or racing program may include a combined live and simulcast race where the combination contains at least one more live race to simulcast in the same combination. Any such live racing program or combined racing program upon which a separate tax is paid may constitute a live racing performance day.

**AMENDED ANALYSIS**

This bill:

I. Revises the commission structure on pari-mutuel pools and the tax on contributions to pari-mutuel pools. The new structure of the tax lowers and standardizes the overall rate of tax for running horse races, harness horse races, and dog races.

II. Authorizes the pari-mutuel commission to adopt rules to allow pari-mutuel wagering through account wagering, telephone wagering, and computer wagering.

III. Repeals a number of prospective amendments to the tax and commission structure which are no longer appropriate in light of this bill.

On a division vote, 229 members having voted in the affirmative and 99 in the negative, the amendment was adopted.

On a division vote, 225 members having voted in the affirmative and 107 in the negative, the report was adopted.

Referred to Finance.

Rep. Lessard did not vote and wished to be recorded in favor.

Rep. Lockwood wished to be recorded against.

Rep. Guthrie declared a conflict of interest and did not participate.

**SB 109**, relative to the official ballot voting option. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsey L. Patten for Municipal and County Government: On a unanimous vote the Committee passed this bill regarding changes and clarifications for the official ballot voting process, commonly known as SB 2. The following are issues addressed: expending money prior to budget adoption; explanation of how the first session addresses warrant articles; restriction of reconsideration; clarifying that the previous years operating budget shall not be amended by the legislative body; defining the 3/5 vote requirement; additional polling places for second session; and repealing the public hearing after the first deliberative session. The committee debated and the majority approved provisions which enable town and school district governing bodies to, at their discretion, grant one special meeting for the purpose of addressing negotiated cost items without petitioning the court. Such meetings shall specifically address negotiated cost items submitted according to law but amended or rejected by the legislative body. Vote 19-0.

**Amendment (1363h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Special Meeting Concerning Negotiated Cost Items. Amend RSA 31:5 by inserting after paragraph II the following new paragraph:

III. In the event that the legislative body at an annual meeting amends or rejects the cost items or fact finders report as submitted pursuant to RSA 273-A, notwithstanding paragraphs I and II, the selectmen may call one special meeting for the sole purpose of addressing negotiated cost items without petitioning the superior court for authorization.

2 Expenditures Prior to Budget Adoption. Amend RSA 32:13, II to read as follows:

II. This subdivision shall not be construed to affect the authority of the local governing body, in towns with a March annual meeting and a January through December fiscal year, to make expenditures between January 1 and the ~~[annual meeting]~~ *date a budget is adopted* which are reasonable in light of prior year's appropriations and expenditures for the same purposes during the same time period.

3 Optional Provisions. Amend RSA 39:2-a to read as follows:

39:2-a Optional Provisions.

I. Any town may at an annual meeting vote to conduct the choice of town officers elected by an official ballot and other action required to be inserted on said official ballot on the second Tuesday of March or on the second Tuesday of May if the town has adopted the provisions of RSA 31:94-a and authorize the selectmen to choose another day for the second session of the town meeting for the transaction of all other town business. Upon written application of ~~(+0)~~ 25 or more voters, addressed to the selectmen, the following question shall be submitted to the voter at such annual meeting: "Do you approve of having 2 sessions for the annual town meeting in this town, the first session for choice of town officers elected by an official ballot and other action required to be inserted on said official ballot and the second session, on a date set by the selectmen, for transaction of other business?" This question shall appear upon the official ballot in towns having such a ballot, otherwise upon a special ballot prepared by the town clerk. Proper provision shall be made on the ballot to permit the voter clearly to indicate his choice on the question If a majority of the legal voters present and voting on the question vote in the affirmative, the provisions of this section shall be declared adopted. In any town adopting the provisions hereof the warrant for an annual meeting held hereunder shall prescribe the place, day and hours of each session of said meeting and said warrant shall be posted as required for any town meeting. In a town which has adopted the provisions of this section no business other than the election of town officers elected by an official ballot and other action required to be inserted on said official ballot shall be taken up at the first session of said meetings. A town which has adopted the provisions hereof may rescind such action in the same manner as provided for its adoption. The question in this case shall be: "Shall the provisions for having 2 sessions of the annual town meeting be declared no longer in effect in this town?"

*II. Alternatively, a town may conduct its meetings and the election of officers through use of the official ballot by adoption of the provisions of RSA 40:13.*

4 Timing and Use of First Session. Amend RSA 40:13, III and IV to read as follows:

III. The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot shall be held between the second Tuesday of March and the Saturday following the second Tuesday of March, at a time prescribed by the local political subdivision's governing body. The second Tuesday in March shall be deemed the annual meeting date for purposes of all applicable statutes pertaining to hearings, notice, petitioned articles, and warrants, including, but not limited to, RSA 31:95-d, 32:5, 32:16, 33:8-a, 39:3, 39:5, 195:12, 197:6, ~~[and]~~ 197:7, and 675:3; *providing that the warrant be posted not fewer than 14 days prior to the date of the first session. The 14 days shall not include the day of posting nor the day of the meeting, but shall include Saturdays, Sundays, and legal holidays within the period.*

IV. ~~[The first session of the meeting, governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-10, shall consist of explanation, discussion, and debate of each warrant article.]~~ *The first session of the meeting shall consist of explanation, discussion, and debate of each warrant article, and shall be governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and*

**40:6-40:10; provided, however, that RSA 40:10, II shall not apply, and a vote to restrict reconsideration pursuant to RSA 40:10, I shall be deemed to prohibit any further action on the restricted article until the second session.** Warrant articles may be amended *at the first session*, subject to the following limitations:

(a) ~~[Warrant articles]~~ **Questions** whose wording is prescribed by law shall not be amended.

(b) Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

5 Alternative Budget. Amend RSA 40:13, XI to read as follows:

**XI. The amount of the previous year's operating budget, as adjusted pursuant to paragraph X, shall be disclosed to the voters at the first session. This amount shall not be amended by the legislative body. However, this amount may be adjusted by the governing body, acting on relevant new information at any time before the ballots are printed.** The wording of the ~~[article on]~~ **second session ballot question concerning** the operating budget shall be as follows:

"Shall the (local political subdivision) raise and appropriate as an operating budget, not including appropriations by special warrant articles, the amounts set forth on the budget posted with the warrant ~~or as amended by vote of the first session~~, for the purposes set forth therein, totaling \$.....? Should this article be defeated, the operating budget shall be \$....., which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only."

6 Reconsideration and Special Meetings. Amend RSA 40:13, XV and XVI to read as follows:

XV. Votes taken at the second session shall not be reconsidered ~~[except by warrant article at a subsequent annual or special meeting]~~.

XVI. The warrant for any special meeting shall prescribe the date, place and hour for both a first and second session. The second session shall be warned for a date not fewer than 28 days nor more than 60 days following the first session. The first and second sessions shall conform to the provisions of this subdivision pertaining to the first and second sessions of annual meetings. Special meetings shall be subject to RSA 31:5, 39:3, 195:13, 197:2, and 197:3, provided that no more than one special meeting may be held to raise and appropriate money *for the same question or issue* in any one calendar year or fiscal year, whichever applies, and further provided that any special meeting held pursuant to paragraphs X and XI shall not be subject to RSA 31:5 and RSA 197:3 and shall not be counted toward the number of special meetings which may be held in a given calendar or fiscal year.

7 Vote Necessary to Adopt Official Ballot Referendum. Amend RSA 40:14, I to read as follows:

I. This subdivision may be adopted by any local political subdivision as defined in RSA 40:12. **A 3/5 [vote] majority** of those voting *on the question* shall be required to adopt this subdivision. **Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.**

8 Vote Necessary to Adopt Official Ballot Referendum. Amend RSA 40:14, VI to read as follows:

VI. If a **3/5 majority** of those voting on the question vote "yes," RSA 40:13 shall apply within the local political subdivision at the annual or special meeting next following. **Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.**

9 Vote Necessary to Rescind Official Ballot Referendum. Amend RSA 40:14, VII to read as follows:

VII. Any local political subdivision which has adopted RSA 40:13 may consider rescinding its action in the manner described in RSA 40:13, III-VI. The wording of the question shall be: "Shall the provisions for voting by official ballot on all issues before the (local political subdivision) under RSA 40:13 be limited to election of officers and certain other questions?" **A 3/5 [vote] majority** of those voting *on the question* shall be required to rescind the provisions of this subdivision, except in the case of repeal by charter enactment under RSA 49-D. **Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.**

10 New Subdivision; Multi-Town School Districts; Additional Polling Places for Second Session Voting. Amend RSA 40 by inserting after section 14 the following new subdivision:  
Additional Polling Places for Second Session Voting

40:15 Additional Polling Place for Second Session Voting.

I. Any multi-town school district adopting the provisions of RSA 40:13 may vote to use additional polling places for the second session of the annual meeting. The additional polling places shall be the regular polling places for town or city elections in each member town and city of the

district. The school district moderator shall supervise the election process and appoint an assistant moderator for each additional polling place. The school district clerk shall appoint an assistant clerk for each additional polling place. Each assistant moderator and assistant clerk shall be domiciled in the town covered by the additional polling place served by such assistant moderator or assistant clerk. The powers and duties of the assistant moderator and the assistant clerk shall be the same as those of the moderator and the clerk at the central polling place except as otherwise provided in the election laws. The inspectors of elections appointed as provided in RSA 658:2 shall be sworn in by the assistant moderator before entering upon their duties. All additional costs resulting from the establishment of additional polling places shall be borne by the school district.

II. Paragraph I of this section may be adopted by any multi-town school district simultaneously with adoption of RSA 40:13 or any time after the adoption of RSA 40:13.

III. The school district shall place the question on the warrant of the annual meeting under the procedures set out in RSA 197:6, and the question shall be voted on by official ballot in accordance with the procedures established in RSA 671:20-30, including all requirements pertaining to absentee voting, polling places, and polling hours.

IV. A public hearing shall be held by the school board on the question at least 15 days, but not more than 30 days, before the question is to be voted on. The public hearing shall be held in each town or city embraced by the district. Notice of the hearing shall be posted in at least 2 public places in each town or city of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

V. The wording of the question shall be: "Shall we adopt the provisions of RSA 40:15 to allow voting at additional polling places for the second session of the annual meeting?"

VI. If a majority of those voting on the question vote "yes," and RSA 40:13 has also been adopted then RSA 40:15 shall apply within the district at the annual or special meeting next following. Only votes in the affirmative or negative shall be included in the calculation of the majority.

VII. Any multi-town school district which has adopted RSA 40:15 may consider rescinding its action in the manner described in RSA 40:15, III-VI. The wording of the question shall be: "Shall the provisions for additional polling places for the second session of the annual meeting under RSA 40:15 be rescinded so that the voting shall be held at a central location?" A majority of those voting on the question shall be required to rescind the provisions of this section. Only votes in the affirmative or negative shall be included in the calculation of the majority.

11 Timing for School District Meetings. Amend RSA 197:1 to read as follows:

197:1 Annual. A meeting of every school district shall be held annually between March 1 and March 25, inclusive, *or in accordance with RSA 40:13 if that provision is adopted in the district*, for raising and appropriating money for the support of schools for the fiscal year beginning the next July 1, for the transaction of other district business and, in those districts not electing their district officers at town meeting, for the choice of district officers.

12 New Paragraph; Special Meeting Concerning Negotiated Cost Items. Amend RSA 197:3 by inserting after paragraph II the following new paragraph:

III. In the event that the legislative body at an annual meeting amends or rejects the cost items or fact finder's report as submitted pursuant to RSA 273-A, notwithstanding paragraphs I and II, the school board may call one special meeting for the sole purpose of addressing negotiated cost items without petitioning the superior court for authorization.

13 Repeal. RSA 40:13, V relative to the public hearing held after the deliberative session, is repealed.

14 Applicability. This act shall apply to all local political subdivisions, as defined in RSA 40:12, which adopt RSA 40:13 on or after June 30, 1995.

15 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill makes adjustments to town meeting and election laws to facilitate the use and operation of the new official ballot voting options commonly known as SB 2.

Adopted.

Rep. Lockwood wished to be recorded in favor.

Rep. Patten offered a committee floor amendment.

**Floor Amendment (1478h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Special Meeting Concerning Negotiated Cost Items. Amend RSA 31:5 by inserting after paragraph II the following new paragraph:

III. In the event that the legislative body at an annual meeting amends or rejects the cost items or fact finders report as submitted pursuant to RSA 273-A, notwithstanding paragraphs I and II, the selectmen may call one special meeting for the sole purpose of addressing negotiated cost items without petitioning the superior court for authorization.

2 Expenditures Prior to Budget Adoption. Amend RSA 32:13, II to read as follows:

II. This subdivision shall not be construed to affect the authority of the local governing body, in towns with a March annual meeting and a January through December fiscal year, to make expenditures between January 1 and the ~~[annual meeting]~~ *date a budget is adopted* which are reasonable in light of prior year's appropriations and expenditures for the same purposes during the same time period.

3 Optional Provisions. Amend RSA 39:2-a to read as follows:

39:2-a Optional Provisions.

*I. Any town may at an annual meeting vote to conduct the choice of town officers elected by an official ballot and other action required to be inserted on said official ballot on the second Tuesday of March or on the second Tuesday of May if the town has adopted the provisions of RSA 31:94-a and authorize the selectmen to choose another day for the second session of the town meeting for the transaction of all other town business. Upon written application of ~~[10]~~ 25 or more voters, addressed to the selectmen, the following question shall be submitted to the voter at such annual meeting: "Do you approve of having 2 sessions for the annual town meeting in this town, the first session for choice of town officers elected by an official ballot and other action required to be inserted on said official ballot and the second session, on a date set by the selectmen, for transaction of other business?" This question shall appear upon the official ballot in towns having such a ballot, otherwise upon a special ballot prepared by the town clerk. Proper provision shall be made on the ballot to permit the voter clearly to indicate his choice on the question If a majority of the legal voters present and voting on the question vote in the affirmative, the provisions of this section shall be declared adopted. In any town adopting the provisions hereof the warrant for an annual meeting held hereunder shall prescribe the place, day and hours of each session of said meeting and said warrant shall be posted as required for any town meeting. In a town which has adopted the provisions of this section no business other than the election of town officers elected by an official ballot and other action required to be inserted on said official ballot shall be taken up at the first session of said meetings. A town which has adopted the provisions hereof may rescind such action in the same manner as provided for its adoption. The question in this case shall be: "Shall the provisions for having 2 sessions of the annual town meeting be declared no longer in effect in this town?"*

*II. Alternatively, a town may conduct its meetings and the election of officers through use of the official ballot by adoption of the provisions of RSA 40:13.*

4 Preparation for and First Session of Annual Meeting. Amend RSA 40:13, I-IV to read as follows:

I. Notwithstanding RSA 39:3-d, RSA 40:4-e, or any other provision of law, any local political subdivision as defined in RSA 40:12 which has adopted this subdivision shall utilize the official ballot for voting on all issues before the voters.

II. The warrant for any annual meeting shall prescribe the place, day and hour for each of 2 separate sessions of the meeting, and notice shall be given in accordance with ~~[RSA 39:5 and RSA 197:6]~~ *paragraph II-a.*

*II-a. Notwithstanding any other provision of law, all local political subdivisions which adopt this subdivision shall comply with the following schedule pertaining to notice, petitioned articles, hearings, and warrants for the annual meeting:*

*(a) The final date for posting notice of budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be the first Tuesday in January.*

*(b) The "budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in January.*

(c) *Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in January.*

(d) *Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in January.*

III. The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot shall be held between the [second Tuesday of March and the Saturday following the second Tuesday of March] *first and second Saturdays following the last Monday in January, inclusive of those Saturdays*, at a time prescribed by the local political subdivision's governing body. [The second Tuesday in March shall be deemed the annual meeting date for purposes of all applicable statutes pertaining to hearings, notice, petitioned articles, and warrants, including, but not limited to, RSA 31:95-d, 32:5, 32:16, 33:8-a, 39:3, 39:5, 195:12, 197:6, and 197:7.]

IV. [The first session of the meeting, governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-10, shall consist of explanation, discussion, and debate of each warrant article.] *The first session of the meeting shall consist of explanation, discussion, and debate of each warrant article, and shall be governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-40:10; provided, however, that RSA 40:10, II shall not apply, and a vote to restrict reconsideration pursuant to RSA 40:10, I shall be deemed to prohibit any further action on the restricted article until the second session.* Warrant articles may be amended *at the first session*, subject to the following limitations:

(a) [~~Warrant articles whose~~] *Questions, the wording of which* is prescribed by law, shall not be amended.

(b) Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

5 Second Session of Annual Meeting; Special Meetings. Amend RSA 40:13, VI-XVI to read as follows:

VI. All warrant articles shall be placed on the official ballot for a final vote. *All special warrant articles shall be accompanied on the ballot by recommendations as required by RSA 32:5, V, concerning any appropriation or appropriation as amended.*

VII. The second session of the annual meeting, to elect officers of the local political subdivision by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second Tuesday in [April] *March*. Notwithstanding RSA 669:1, 670:1, or 671:2, the second session shall be deemed the annual election date for purposes of all applicable election statutes including, but not limited to, RSA 669:5, 669:19, 669:30, 670:3, 670:4, 670:11, 671:15, 671:19, and 671:30-32; and votes on zoning ordinances, historic district ordinances, and building codes under RSA 675.

VIII. The clerk of the local political subdivision shall prepare an official ballot, which may be separate from the official ballot used to elect officers, for all warrant articles. Wording shall be substantially the same as the main motion, as it was made or amended at the first session, with only such minor textual changes as may be required to cast the motion in the form of a question to the voters.

IX. "Operating budget" as used in this subdivision means "budget," as defined in RSA 32:3, III, exclusive of "special warrant articles," as defined in RSA 32:3, VI.

X. If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, or the governing body may hold a special meeting pursuant to paragraph XVI to take up the issue of a revised operating budget only; provided that RSA 31:5 and RSA 197:3 shall not apply to such a special meeting. If no operating budget article is adopted the estimated revenues shall nevertheless be deemed to have been approved.

XI. *The amount of the previous year's operating budget, as adjusted pursuant to paragraph X, shall be disclosed to the voters at the first session. This amount shall not be amended by the legislative body. However, this amount may be adjusted by the governing body, acting on relevant new information at any time before the ballots are printed.* The wording of the [article on] *second session ballot question concerning the operating budget shall be as follows:*

"Shall the (local political subdivision) raise and appropriate as an operating budget, not including appropriations by special warrant articles, the amounts set forth on the budget posted with the warrant *or as amended by vote of the first session*, for the purposes set forth therein, totaling \$.....? Should this article be defeated, the operating budget shall be \$....., which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only."

XII. Voting at the second session shall conform to the procedures for the nonpartisan ballot system as set forth in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling place, and polling hours.

XIII. Approval of all warrant articles shall be by simple majority except for questions which require a 2/3 vote by law, contract, or written agreement.

XIV. Votes taken at the second session shall be subject to recount under RSA 669:30-33 and RSA 40:4-c.

XV. Votes taken at the second session shall not be reconsidered [~~except by warrant article at a subsequent annual or special meeting~~].

XVI. The warrant for any special meeting shall prescribe the date, place and hour for both a first and second session. The second session shall be warned for a date not fewer than 28 days nor more than 60 days following the first session. The first and second sessions shall conform to the provisions of this subdivision pertaining to the first and second sessions of annual meetings. Special meetings shall be subject to RSA 31:5, 39:3, 195:13, 197:2, and 197:3, provided that no more than one special meeting may be held to raise and appropriate money *for the same question or issue* in any one calendar year or fiscal year, whichever applies, and further provided that any special meeting held pursuant to paragraphs X and XI shall not be subject to RSA 31:5 and RSA 197:3 and shall not be counted toward the number of special meetings which may be held in a given calendar or fiscal year.

6 Vote Necessary to Adopt Official Ballot Referendum. Amend RSA 40:14, I to read as follows:

I. This subdivision may be adopted by any local political subdivision as defined in RSA 40:12. A 3/5 [~~vote~~] *majority* of those voting *on the question* shall be required to adopt this subdivision. *Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.*

7 Vote Necessary to Adopt Official Ballot Referendum. Amend RSA 40:14, VI to read as follows:

VI. If a 3/5 *majority* of those voting on the question vote "yes," RSA 40:13 shall apply within the local political subdivision at the annual or special meeting next following. *Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.*

8 Vote Necessary to Rescind Official Ballot Referendum. Amend RSA 40:14, VII to read as follows:

VII. Any local political subdivision which has adopted RSA 40:13 may consider rescinding its action in the manner described in RSA 40:13, III-VI. The wording of the question shall be: "Shall the provisions for voting by official ballot on all issues before the (local political subdivision) under RSA 40:13 be limited to election of officers and certain other questions?" A 3/5 [~~vote~~] *majority* of those voting *on the question* shall be required to rescind the provisions of this subdivision, except in the case of repeal by charter enactment under RSA 49-D. *Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.*

9 New Subdivision; Multi-Town School Districts; Additional Polling Places for Second Session Voting. Amend RSA 40 by inserting after section 14 the following new subdivision:  
Additional Polling Places for Second Session Voting

40:15 Additional Polling Place for Second Session Voting.

I. Any multi-town school district adopting the provisions of RSA 40:13 may vote to use additional polling places for the second session of the annual meeting. The additional polling places shall be the regular polling places for town or city elections in each member town and city of the district. The school district moderator shall supervise the election process and appoint an assistant moderator for each additional polling place. The school district clerk shall appoint an assistant clerk for each additional polling place. Each assistant moderator and assistant clerk shall be domiciled in the town covered by the additional polling place served by such assistant moderator or assistant clerk. The powers and duties of the assistant moderator and the assistant clerk shall be the same

as those of the moderator and the clerk at the central polling place except as otherwise provided in the election laws. The inspectors of elections appointed as provided in RSA 658:2 shall be sworn in by the assistant moderator before entering upon their duties. All additional costs resulting from the establishment of additional polling places shall be borne by the school district.

II. Paragraph I of this section may be adopted by any multi-town school district simultaneously with adoption of RSA 40:13 or any time after the adoption of RSA 40:13.

III. The school district shall place the question on the warrant of the annual meeting under the procedures set out in RSA 197:6, and the question shall be voted on by official ballot in accordance with the procedures established in RSA 671:20-30, including all requirements pertaining to absentee voting, polling places, and polling hours.

IV. A public hearing shall be held by the school board on the question at least 15 days, but not more than 30 days, before the question is to be voted on. The public hearing shall be held in each town or city embraced by the district. Notice of the hearing shall be posted in at least 2 public places in each town or city of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

V. The wording of the question shall be: "Shall we adopt the provisions of RSA 40:15 to allow voting at additional polling places for the second session of the annual meeting?"

VI. If a majority of those voting on the question vote "yes," and RSA 40:13 has also been adopted then RSA 40:15 shall apply within the district at the annual or special meeting next following. Only votes in the affirmative or negative shall be included in the calculation of the majority.

VII. Any multi-town school district which has adopted RSA 40:15 may consider rescinding its action in the manner described in RSA 40:15, III-VI. The wording of the question shall be: "Shall the provisions for additional polling places for the second session of the annual meeting under RSA 40:15 be rescinded so that the voting shall be held at a central location?" A majority of those voting on the question shall be required to rescind the provisions of this section. Only votes in the affirmative or negative shall be included in the calculation of the majority.

10 Timing for School District Meetings. Amend RSA 197:1 to read as follows:

197:1 Annual. A meeting of every school district shall be held annually between March 1 and March 25, inclusive, *or in accordance with RSA 40:13 if that provision is adopted in the district*, for raising and appropriating money for the support of schools for the fiscal year beginning the next July 1, for the transaction of other district business and, in those districts not electing their district officers at town meeting, for the choice of district officers.

11 New Paragraph; Special Meeting Concerning Negotiated Cost Items. Amend RSA 197:3 by inserting after paragraph II the following new paragraph:

III. In the event that the legislative body at an annual meeting amends or rejects the cost items or fact finder's report as submitted pursuant to RSA 273-A, notwithstanding paragraphs I and II, the school board may call one special meeting for the sole purpose of addressing negotiated cost items without petitioning the superior court for authorization.

12 Repeal. RSA 40:13, V relative to the public hearing held after the deliberative session, is repealed.

13 Applicability. This act shall apply to all local political subdivisions, as defined in RSA 40:12, which adopt RSA 40:13 on or after June 30, 1995.

14 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill makes adjustments to town meeting and election laws to facilitate the use and operation of the new official ballot voting options commonly known as SB 2.

Rep. Patten spoke in favor.

Adopted.

Report adopted and ordered to third reading.

Rep. Lockwood wished to be recorded in favor.

**SB 162-FN-A-L**, relative to the acquisition of a certain piece of property in Piermont, New Hampshire and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Paul I. LaMott for the Majority of Public Works and Highways: The bill appropriates \$950,000 through the bonding process to purchase conservation land and buildings on the west-

ern shore of Lake Tarleton, a pristine 350 acre lake in the White Mountains in the Town of Piermont. The majority of the committee felt that the property in question deserves protection now for use and enjoyment by the citizens of New Hampshire today and in the future. Surrounding the property is over 5,000 acres of land about to be protected through over \$4 million of federal money (\$1.6 million in hand) and \$525,000 of private money of which nearly \$400,000 is already raised. In the New Hampshire tradition of partnerships, this is a substantial effort with the state, federal government and private sector all contributing significant dollars to make the entire effort successful. The amendment protects the state's long term interests by specifically identifying the purpose of the project, the acreage involved, the Department of Resources and Economic Development's (DRED) role in managing the property and in developing a master plan, DRED's ability to enter into cooperative agreements to manage the property, a provision to allow DRED to resell the property or portions of the property should management arrangements not be suitable to DRED, making the appropriation contingent upon the completion of the surrounding federal acquisitions and private fundraising. The majority felt that the action needs to be taken now to take advantage of the leverage of other federal and private money while the lands are still available for acquisition. Vote 12-8.

Reps. Leon Calawa, Jr., Marlene M. DeChane, William E. Leber, Winston H. McCarty, Gerald P. Merrill, Steve Vaillancourt and James A. Whittemore for the Minority of Public Works and Highways: The minority believes that the proper way to frame this issue is not in preserving pristine purity but rather in assessing prudent priorities. This bill calls for an appropriation of \$950,000. In formulating the Capital Budget earlier this year, this committee realized we had a finite number of dollars to spend and then set about establishing priorities for spending. Any number of items, from roof repairs and renovations of state buildings to purchase of lab equipment and books for the community college system, would have a higher priority than this bill. Should this bill not pass, Lake Tarleton is in no imminent danger. No less than three-quarters of the shoreline will be in the White Mountain National Forest; Fish and Game will continue to have a boat launch on the lake. There is no danger that public access to the lake will be lost. The minority also has concerns that this bill represents an attempt to bail out a private developer who has been trying to sell lots for the past ten years and has managed to sell only two. Quite clearly, there is no rush to get this land. So many questions remain unanswered that at best this bill should be re-referred for further study. There is no hurry. Such extravagant spending should not be tolerated when so many other vital issues cry out for funding. This item certainly would be on our wish list but not on our reality check list. If you support this, ask yourself: "What would you not do in its stead - not fund more prison beds? Not dredge the Seabrook/Hampton harbor? Not try to stop land erosion along the Connecticut River?" These are all vital issues before this committee, and there are many others.

#### **Amendment (1372h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The purpose of this act is to make funds available to the department of resources and economic development for the purchase of a certain tract of land located in Piermont, New Hampshire on Lake Tarleton. The tract consists of 6 lots totaling approximately 38 acres, including conservation easements, on the western shore of Lake Tarleton. Lake Tarleton is a water body that encompasses approximately 315 acres, and is located in an area that is currently targeted by the federal government for expansion of the White Mountain National Forest; under this federal plan, Lake Tarleton would become the largest lake in the White Mountain National Forest. The acquisition by the state of this tract in Piermont would secure state access to and assure future state participation in the White Mountain National Forest. Such acquisition would also keep the shores of Lake Tarleton, which have been targeted for development, in the public domain. The purchased property would be managed by the department of resources and economic development.

#### **2 Authority.**

I. The commissioner of the department of resources and economic development may, in the name of and on behalf of the state, purchase real estate and conservation easements in Piermont, New Hampshire consisting of approximately 38 acres along the western shore of Lake Tarleton. The final sale price of the property shall be determined by appraisal, but may not exceed \$865,500. The commissioner may expend up to an additional \$84,500 for development purposes.

II. The commissioner shall develop, with appropriate public input, a master plan for the development and use or development or use of the property. Such master plan may include the operation of a state park. Any costs arising from the development of the master plan may be paid for by the development appropriation in this bill.

III. The department of resources and economic development may enter into cooperative agreements for the operation of a park, a visitors' center, or a park and visitors' center. If, after 3 years, such cooperative agreements are not renewed or in the opinion of commissioner, do not prove to be successful, then the commissioner is authorized to resell the property or any portion thereof.

IV. The department shall not be required to operate a park or any facility on the property unless an appropriation has been made for such operation or to use any state park fund money for the purposes of development or maintenance of the Lake Tarleton property.

3 Appropriation. The sum of \$950,000 is hereby appropriated to the department of resources and economic development for the purchase and development of a certain tract of land located in Piermont, New Hampshire on Lake Tarleton.

4 Bonds Authorized. To provide funds for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$950,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

5 Contingency. The issuance of the bond contemplated in section 4 of this act is contingent upon the donation to the state of an additional 43.23 acres of land and 5-acre conservation easement to the south of the land to be purchased under paragraph I of section 2 of this act, and the acquisition by the United States Forest Service of 3400 acres in the vicinity of Lake Tarleton for the purpose of expansion of the White Mountain National Forest.

6 Effective Date. This act shall take effect July 1, 1997.

Rep. William Williams requested a roll call; sufficiently seconded.  
The question being the adoption of the amendment.

## YEAS 230 NAYS 102

### YEAS 230

#### BELKNAP

Bartlett, Gordon  
Laflam, Robert

Boriso, Thomas  
Pilliod, James

Calvert, Alice  
Turner, Robert

Hurt, George  
Veazey, John

#### CARROLL

Babson, David, Jr.  
Foster, Robert  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

#### CHESHIRE

Bonneau, Sarah  
Hunt, John  
Riley, William

Burnham, Daniel  
McGuirk, Paul  
Robertson, Timothy

Champagne, Richard  
Metzger, Katherine  
Royce, H. Charles

Doucette, Richard  
Richardson, Barbara  
Vogl, John

#### COOS

Bradley, Paula  
Pratt, Leighton

Guay, Lawrence  
Tholl, John, Jr.

Hawkinson, Marie

Moynihan, Wayne

#### GRAFTON

Akins, Ralph  
Copenhaver, Marion  
Ham, Bonnie  
Lovett, Sidney  
Root, John  
Williams, William, Jr.

Alger, John  
Eaton, Stephanie  
Hill, Richard  
Mirski, Paul  
Teschner, Douglass

Almy, Susan  
Guaraldi, Lawrence  
Hinman, Harry  
Nordgren, Sharon  
Trelfa, Richard

Below, Clifton  
Guest, Robert  
LaMott, Paul  
Phinney, William  
Weber, Phil

**HILLSBOROUGH**

|                     |                         |                    |                       |
|---------------------|-------------------------|--------------------|-----------------------|
| Allen, W. Gordon    | Alukonis, David         | Ameen, W.          | Amidon, Eleanor       |
| Asselin, Robert     | Baroody, Benjamin       | Batula, Peter      | Belvin, William       |
| Boutin, David       | Briefs, Geoffrey        | Brundige, Robert   | Cardin, Lori          |
| Carlson, Donald     | Clay, Susan             | Clegg, Robert, Jr. | Clemons, Jane         |
| Cote, David         | Cote, Peter             | D'Allesandro, Lou  | Daigle, Robert        |
| Desrosiers, William | Drabinowicz, A. Theresa | Durham, Susan      | Fields, Dennis        |
| Foster, Joseph      | Foster, Linda           | Franks, Suzan      | Gage, Ruth            |
| Gagnon, Eugene      | Gosselin, Gerald        | Hart, Nick         | Herman, Keith         |
| Holt, David         | Hunter, Bruce           | Jean, Claudette    | Johnson, Lionel       |
| Kelley, Robert      | Kurk, Neal              | L'Heureux, Robert  | Leishman, Peter       |
| Leonard, Peter      | Letendre, Evelyn        | Lozeau, Donnalee   | MacAuslan, Rita       |
| MacIntyre, Doris    | Martin, Mary            | McGough, Tim       | McRae, Karen          |
| Melcher, Harold     | Messier, Irene          | Morello, Michael   | Murch, George         |
| O'Hearn, Jane       | O'Rourke, Thomas        | Pepino, Leo        | Perkins, Paul         |
| Peterson, Andrew    | Reidy, Frank            | Sargent, Maxwell   | Searles, Stanley, Sr. |
| Turgeon, Roland     | Welch, Donald           | Wheeler, Robert    | White, Jay            |
| Williams, Carol     | Wright, George          |                    |                       |

**MERRIMACK**

|                    |                   |                    |                   |
|--------------------|-------------------|--------------------|-------------------|
| Anderson, Eric     | Burney, Carol     | Crosby, Toni       | Daneault, Gabriel |
| DeStefano, Stephen | Fraser, Marilyn   | French, Barbara    | Gile, Mary        |
| Hager, Elizabeth   | Hess, David       | Jacobson, Alf      | Krueger, Patricia |
| Lamach, Bernard    | Marshall, Kenneth | Maxfield, Roy      | Moore, Carol      |
| Owen, Derek        | Plaff, Terence    | Reardon, Tara      | Rogers, Katherine |
| St. Cyr, Gerard    | Wallin, Jean      | Wallner, Mary Jane | Yeaton, Charles   |

**ROCKINGHAM**

|                       |                      |                     |                    |
|-----------------------|----------------------|---------------------|--------------------|
| Aranda, M. Kathryn    | Arndt, Janet         | Belanger, Ronald    | Blanchard, MaryAnn |
| Christie, Andrew, Jr. | Clark, Martha        | Coes, Betsy         | Cooney, Richard    |
| Cushing, Robert       | Dodge, Robert        | Downing, Michael    | Dube, LeRoy        |
| Flanagan, Natalie     | Flanders, David      | Flanders, John, Sr. | Francoeur, Sheila  |
| Frechette, Joseph     | Gibbons, Paul        | Gleason, John       | Heath, John        |
| Henderson, Warren     | Hutchinson, Rebecca  | Johnson, Robert     | Kane, Cecelia      |
| Katsakiores, George   | Katsakiores, Phyllis | Kelley, Jane        | Klemm, Arthur, Jr. |
| Kobel, Rudolph        | Langley, Jane        | Langone, John       | Letourneau, Robert |
| Lovejoy, Marian       | Malcolm, Kenneth     | McCarthy, John, Jr. | McGovern, Cynthia  |
| McKinney, Betsy       | Micklon, Stephanie   | Norelli, Terie      | O'Keefe, Patricia  |
| Pantelakos, Laura     | Raynowska, Bernard   | Sabella, Norma      | Schanda, Frank     |
| Smith, Kevin          | Stickney, Nancy      | Syracusa, Anthony   | Vaughn, Charles    |
| Woods, Deborah        |                      |                     |                    |

**STRAFFORD**

|                  |                      |                  |                 |
|------------------|----------------------|------------------|-----------------|
| Bickford, David  | Brennan, William     | Dunlap, Patricia | Estabrook, Iris |
| Grassie, Anne    | Hemon, Roland        | Kaen, Naida      | Keans, Sandra   |
| Knowles, William | McCann, William, Jr. | McKinley, Robert | Merrill, Amanda |
| Merritt, Deborah | Rogers, Rose Marie   | Rollo, Michael   | Smith, Marjorie |
| Snyder, Clair    | Spear, Barbara       | Taylor, Kathleen | Torr, Franklin  |
| Tsiros, William  | Twardus, Joseph      | Wall, Janet      |                 |

**SULLIVAN**

|                    |                |                 |                  |
|--------------------|----------------|-----------------|------------------|
| Burling, Peter     | Cloutier, John | Donovan, Thomas | Ferland, Brenda  |
| Flint, Gordon      | Kibbey, David  | Leone, Richard  | Schotanus, Merle |
| Wiggins, Celestine |                |                 |                  |

**NAYS 102****BELKNAP**

|               |                   |              |                  |
|---------------|-------------------|--------------|------------------|
| Boyce, Robert | Clark, Charles    | Golden, Paul | Holbrook, Robert |
| Lawton, David | Rice, Thomas, Jr. | Rosen, Ralph | Thomas, John     |

**CARROLL**

Chandler, Gene

**CHESHIRE**

|                  |                 |                 |               |
|------------------|-----------------|-----------------|---------------|
| Lynott, Margaret | Manning, Joseph | McNamara, Wanda | Meader, David |
| Pratt, John      | Russell, Ronald | Smith, Edwin    |               |

**COOS**

|                 |                  |                   |              |
|-----------------|------------------|-------------------|--------------|
| Coulombe, Henry | Coulombe, Yvonne | Davis, Perley     | Horton, Lynn |
| Mears, Edgar    | Merrill, Gerald  | St. Hilaire, Paul |              |

**GRAFTON**

|                  |             |
|------------------|-------------|
| Connolly, Steven | Luker, Elsa |
|------------------|-------------|

**HILLSBOROUGH**

|                       |                       |                     |                        |
|-----------------------|-----------------------|---------------------|------------------------|
| Arnold, Thomas, Jr.   | Bergin, Peter         | Burke, M. Virginia  | Calawa, Leon, Jr.      |
| Carney, Lauren        | Chabot, Robert        | Christiansen, Lars  | Daniels, Gary          |
| Dawe, Eileen          | Dwyer, Paul, Sr.      | Dyer, Merton        | Emerton, Lawrence, Sr. |
| Fenton, James         | Ferguson, Charles     | Golding, William    | Goulet, Maurice        |
| Hansen, Herbert       | Holley, Sylvia        | Jean, Loren         | Kelly, Michael         |
| LaRose, Richard       | Lefebvre, Roland      | Luebker, Bernard    | Lynde, Harold          |
| MacGillivray, Jeffrey | Marcinkowski, Michael | McCarthy, William   | McCarty, Winston       |
| McDonald, James, Sr.  | Mercer, Robert        | Milligan, Robert    | Mittelman, David       |
| Riley, Frances        | Thulander, O. Alan    | Vaillancourt, Steve | White, Donald          |

**MERRIMACK**

|                    |                    |                  |                   |
|--------------------|--------------------|------------------|-------------------|
| Adams, Stephen     | Chandler, Earle    | Colburn, Thomas  | Crowell, Peter    |
| Feuerstein, Martin | Hoadley, Elizabeth | Larrabee, David  | Lavoie, Gerard    |
| Leber, William     | Nichols, Avis      | Whalley, Michael | Whittemore, James |

**ROCKINGHAM**

|                 |                    |                 |                     |
|-----------------|--------------------|-----------------|---------------------|
| Beaulieu, Jon   | Bishop, Franklin   | Camm, Kevin     | Cote, Patricia      |
| Dearborn, Bruce | Dowd, Sandra       | Dunham, Vivian  | Felch, Charles, Sr. |
| Griffin, Mary   | Guthrie, Joseph    | Major, Norman   | Mikowski, Walter    |
| Morris, Debbie  | Nowe, Ronald       | Noyes, Richard  | Packard, Sherman    |
| Rubin, George   | Stritch, C. Donald | Varrell, Thomas | Welch, David        |
| Weyler, Kenneth |                    |                 |                     |

**STRAFFORD**

|                   |                   |                  |                |
|-------------------|-------------------|------------------|----------------|
| Brown, George     | Callaghan, Frank  | DeChane, Marlene | Hilliard, Dana |
| Pelletier, Arthur | Pelletier, Marsha | Sullivan, Henry  |                |

**SULLIVAN**

Palmer, Lorraine

and the amendment was adopted.

Rep. Lockwood wished to be recorded in favor.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being the adoption of the majority report

**YEAS 223 NAYS 109****YEAS 223****BELKNAP**

Bartlett, Gordon  
Pilliod, James

Boriso, Thomas  
Thomas, John

Calvert, Alice  
Turner, Robert

Laflam, Robert  
Veazey, John

**CARROLL**

Babson, David, Jr.  
Kenney, Joseph  
Patten, Betsey

Bradley, Jeb  
Lyman, L. Randy  
Philbrick, Donald

Cooper, Kipp  
MacDonald, Kenneth

Dickinson, Howard, Jr.  
Mock, Henry

**CHESHIRE**

Bonneau, Sarah  
Hunt, John  
Riley, William

Burnham, Daniel  
McGuirk, Paul  
Robertson, Timothy

Champagne, Richard  
Metzger, Katherine  
Vogl, John

Doucette, Richard  
Richardson, Barbara

**COOS**

Bradley, Paula  
Moynihan, Wayne

Guay, Lawrence  
Pratt, Leighton

Hawkinson, Marie  
Tholl, John, Jr.

Horton, Lynn

**GRAFTON**

Akins, Ralph  
Connolly, Steven  
Guest, Robert  
LaMott, Paul  
Phinney, William  
Weber, Phil

Alger, John  
Copenhaver, Marion  
Ham, Bonnie  
Lovett, Sidney  
Root, John  
Williams, William, Jr.

Below, Clifton  
Eaton, Stephanie  
Hill, Richard  
Mirski, Paul  
Teschner, Douglass

Brown, Channing  
Guaraldi, Lawrence  
Hinman, Harry  
Nordgren, Sharon  
Trelfa, Richard

**HILLSBOROUGH**

Allen, W. Gordon  
Asselin, Robert  
Boutin, David  
Cardin, Lori  
Cote, David  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Foster, Linda  
Gosselin, Gerald  
Jean, Claudette  
L'Heureux, Robert  
MacAuslan, Rita  
Melcher, Harold  
Murch, George  
Perkins, Paul  
Searles, Stanley, Sr.  
White, Jay

Alukonis, David  
Baroody, Benjamin  
Briefs, Geoffrey  
Carlson, Donald  
Cote, Peter  
Desrosiers, William  
Ferguson, Charles  
Franks, Suzan  
Goulet, Maurice  
Johnson, Lionel  
Leishman, Peter  
MacIntyre, Doris  
Mercer, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Turgeon, Roland  
Wright, George

Ameen, W.  
Batula, Peter  
Brundige, Robert  
Clay, Susan  
D'Allesandro, Lou  
Drabinowicz, A. Theresa  
Fields, Dennis  
Gage, Ruth  
Hart, Nick  
Kelley, Robert  
Leonard, Peter  
Martin, Mary  
Messier, Irene  
O'Rourke, Thomas  
Reidy, Frank  
Welch, Donald

Amidon, Eleanor  
Belvin, William  
Calawa, Leon, Jr.  
Clemons, Jane  
Daigle, Robert  
Durham, Susan  
Foster, Joseph  
Gagnon, Eugene  
Hunter, Bruce  
Kurk, Neal  
Lozeau, DonnaLee  
McRae, Karen  
Morello, Michael  
Pepino, Leo  
Sargent, Maxwell  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
DeStefano, Stephen  
Hager, Elizabeth  
Marshall, Kenneth  
Pfaff, Terence  
Wallin, Jean

Burney, Carol  
Fraser, Marilyn  
Jacobson, Alf  
Jacobfield, Roy  
Reardon, Tara  
Wallner, Mary Jane

Crosby, Toni  
French, Barbara  
Krueger, Patricia  
Moore, Carol  
Rogers, Katherine  
Yeaton, Charles

Daneault, Gabriel  
Gile, Mary  
Lamach, Bernard  
Owen, Derek  
St. Cyr, Gerard

**ROCKINGHAM**

Aranda, M. Kathryn  
Christie, Andrew, Jr.  
Cushing, Robert  
Flanagan, Natalie  
Frechette, Joseph  
Henderson, Warren  
Katsakiores, George  
Langley, Jane  
McCarthy, John, Jr.  
Norelli, Terie  
Sabella, Norma  
Syracusa, Anthony

Arndt, Janet  
Clark, Martha  
Dodge, Robert  
Flanders, David  
Gibbons, Paul  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langone, John  
McGovern, Cynthia  
O'Keefe, Patricia  
Schanda, Frank  
Vaughn, Charles

Belanger, Ronald  
Coes, Betsy  
Downing, Michael  
Flanders, John, Sr.  
Gleason, John  
Johnson, Robert  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McKinney, Betsy  
Pantelakos, Laura  
Smith, Kevin  
Woods, Deborah

Blanchard, MaryAnn  
Cooney, Richard  
Dube, LeRoy  
Francoeur, Sheila  
Heath, John  
Kane, Cecelia  
Kobel, Rudolph  
Malcolm, Kenneth  
Micklon, Stephanie  
Raynowska, Bernard  
Stickney, Nancy

**STRAFFORD**

Brennan, William  
Hemon, Roland  
McCann, William, Jr.  
Rogers, Rose Marie  
Spear, Barbara

Brown, George  
Kaen, Naida  
McKinley, Robert  
Rollo, Michael  
Tsiros, William

Dunlap, Patricia  
Keans, Sandra  
Merrill, Amanda  
Smith, Marjorie  
Twardus, Joseph

Estabrook, Iris  
Knowles, William  
Merritt, Deborah  
Snyder, Clair  
Wall, Janet

**SULLIVAN**

Burling, Peter  
Flint, Gordon  
Wiggins, Celestine

Cloutier, John  
Kibbey, David

Donovan, Thomas  
Leone, Richard

Ferland, Brenda  
Schotanus, Merle

**NAYS 109****BELKNAP**

Boyce, Robert  
Hurt, George

Clark, Charles  
Lawton, David

Golden, Paul  
Rice, Thomas, Jr.

Holbrook, Robert  
Rosen, Ralph

**CARROLL**

Chandler, Gene

Foster, Robert

Howard, Godfrey

**CHESHIRE**

Lynott, Margaret  
Pratt, John

Manning, Joseph  
Royce, H. Charles

McNamara, Wanda  
Russell, Ronald

Meador, David  
Smith, Edwin

**COOS**

Coulombe, Henry  
Merrill, Gerald

Coulombe, Yvonne  
St. Hilaire, Paul

Davis, Perley

Mears, Edgar

**GRAFTON**

Almy, Susan

Luker, Elsa

**HILLSBOROUGH**

Arnold, Thomas, Jr.  
Chabot, Robert  
Dyer, Merton  
Hansen, Herbert  
Jean, Loren  
Letendre, Evelyn  
Marcinkowski, Michael  
McGough, Tim  
Thulander, O. Alan

Bergin, Peter  
Christiansen, Lars  
Emerton, Lawrence, Sr.  
Herman, Keith  
Kelly, Michael  
Luebker, Bernard  
McCarthy, William  
Milligan, Robert  
Vaillancourt, Steve

Burke, M. Virginia  
Clegg, Robert, Jr.  
Fenton, James  
Holley, Sylvia  
LaRose, Richard  
Lynde, Harold  
McCarty, Winston  
Mittelman, David  
White, Donald

Carney, Lauren  
Daniels, Gary  
Golding, William  
Holt, David  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McDonald, James, Sr.  
Riley, Frances  
Williams, Carol

**MERRIMACK**

Adams, Stephen  
Feuerstein, Martin  
Leber, William

Chandler, Earle  
Hoadley, Elizabeth  
Nichols, Avis

Colburn, Thomas  
Larrabee, David  
Whalley, Michael

Crowell, Peter  
Lavoie, Gerard  
Whittemore, James

**ROCKINGHAM**

Beaulieu, Jon  
Dearborn, Bruce  
Griffin, Mary  
Major, Norman  
Noyes, Richard  
Varrell, Thomas

Bishop, Franklin  
Dowd, Sandra  
Guthrie, Joseph  
Mikowski, Walter  
Packard, Sherman  
Welch, David

Camm, Kevin  
Dunham, Vivian  
Kelley, Jane  
Morris, Debbie  
Rubin, George  
Weyler, Kenneth

Cote, Patricia  
Felch, Charles, Sr.  
Letourneau, Robert  
Nowe, Ronald  
Stritch, C. Donald

**STRAFFORD**

Bickford, David  
Hilliard, Dana  
Taylor, Kathleen

Callaghan, Frank  
Pelletier, Arthur  
Torr, Franklin

DeChane, Marlene  
Pelletier, Marsha

Grassie, Anne  
Sullivan, Henry

**SULLIVAN**

Palmer, Lorraine

and the report was adopted.

Rep. Royce voted nay and intended to vote yea.

Rep. Lockwood wished to be recorded in favor.

Referred to Finance.

**SB 168-A**, requiring the department of corrections to prepare and enter into a lease-purchase agreement with the Berlin Economic Development Council for a medium security correctional facility to be constructed in Berlin and making an appropriation therefor. RE-REFER TO COMMITTEE

Reps. Gene G. Chandler and Katherine D. Rogers for Public Works and Highways: The New Hampshire Department of Corrections was responsible for 2,306 inmates on January 27, 1997, and 2,366 inmates on April 30, 1997. NH DOC is currently over operating capacity by 478 beds. While the NH DOC has been able to divert 425 - 475 prisoners over the past two years through improved parole management, the department's Academy Program, and increased use of probation, it is time for the state to develop and implement a comprehensive plan to deal with current and projected prison overcrowding. The prison problem requires a balanced, well planned and coordinated approach to deal with all aspects of the Corrections department and inmate population. The committee plans to work with the Senate sponsors, House members, NH DOC and the Governor's office to make recommendations for the next legislative session that will involve not only new facilities but other moves that will best utilize available resources. The Public Works & Highways Committee applauds the sponsors of SB 168 for stepping forward with a concept for solving the overcrowding situation, but the committee feels that other issues need to be addressed and the above mentioned comprehensive all encompassing approach is in the best interest of the state at this time. The committee commits to using this re-referred bill as a vehicle to present to the legislature a detailed corrections plan n January 1998. Vote 15-1.

Rep. Rosen spoke against.

Rep. Gene Chandler spoke in favor.

Rep. Katherine Rogers spoke in favor and yielded to questions.

Rep. Rosen requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 252 NAYS 67**

**YEAS 252**

**BELKNAP**

Golden, Paul

Pilliod, James

Thomas, John

**CARROLL**

|                    |                 |                |                        |
|--------------------|-----------------|----------------|------------------------|
| Bradley, Jeb       | Chandler, Gene  | Cooper, Kipp   | Dickinson, Howard, Jr. |
| Foster, Robert     | Howard, Godfrey | Kenney, Joseph | Lyman, L. Randy        |
| MacDonald, Kenneth | Mock, Henry     | Patten, Betsey |                        |

**CHESHIRE**

|                    |                     |                |                    |
|--------------------|---------------------|----------------|--------------------|
| Champagne, Richard | Doucette, Richard   | Hunt, John     | Lynott, Margaret   |
| Manning, Joseph    | McGuirk, Paul       | Meador, David  | Metzger, Katherine |
| Pratt, John        | Richardson, Barbara | Riley, William | Robertson, Timothy |
| Royce, H. Charles  | Russell, Ronald     | Smith, Edwin   | Vogl, John         |

**COOS**

|                  |               |                  |                 |
|------------------|---------------|------------------|-----------------|
| Bradley, Paula   | Davis, Perley | Hawkinson, Marie | Merrill, Gerald |
| Tholl, John, Jr. |               |                  |                 |

**GRAFTON**

|                    |                    |                        |                    |
|--------------------|--------------------|------------------------|--------------------|
| Akins, Ralph       | Alger, John        | Almy, Susan            | Below, Clifton     |
| Brown, Channing    | Copenhaver, Marion | Eaton, Stephanie       | Guaraldi, Lawrence |
| Hill, Richard      | Hinman, Harry      | LaMott, Paul           | Lovett, Sidney     |
| Luker, Elsa        | Nordgren, Sharon   | Phinney, William       | Root, John         |
| Teschner, Douglass | Trelfa, Richard    | Williams, William, Jr. |                    |

**HILLSBOROUGH**

|                     |                       |                       |                        |
|---------------------|-----------------------|-----------------------|------------------------|
| Allen, W. Gordon    | Alukonis, David       | Ameen, W.             | Amidon, Eleanor        |
| Arnold, Thomas, Jr. | Asselin, Robert       | Batula, Peter         | Belvin, William        |
| Boutin, David       | Brundige, Robert      | Calawa, Leon, Jr.     | Cardin, Lori           |
| Carlson, Donald     | Carney, Lauren        | Chabot, Robert        | Christiansen, Lars     |
| Clay, Susan         | Clemons, Jane         | Cote, David           | Cote, Peter            |
| D'Allesandro, Lou   | Daigle, Robert        | Daniels, Gary         | Dawe, Eileen           |
| Durham, Susan       | Dwyer, Paul, Sr.      | Dyer, Merton          | Emerton, Lawrence, Sr. |
| Ferguson, Charles   | Fields, Dennis        | Foster, Linda         | Franks, Suzan          |
| Gage, Ruth          | Gagnon, Eugene        | Golding, William      | Gosselin, Gerald       |
| Goulet, Maurice     | Hansen, Herbert       | Hart, Nick            | Holley, Sylvia         |
| Holt, David         | Hunter, Bruce         | Jean, Claudette       | Johnson, Lionel        |
| Kelly, Michael      | Kurk, Neal            | LaRose, Richard       | Lefebvre, Roland       |
| Leishman, Peter     | Leonard, Peter        | Letendre, Evelyn      | Lozeau, Donnalee       |
| Luebker, Bernard    | Lynde, Harold         | MacAuslan, Rita       | MacGillivray, Jeffrey  |
| MacIntyre, Doris    | Marcinkowski, Michael | Martin, Mary          | McCarthy, William      |
| McCarty, Winston    | McDonald, James, Sr.  | McGough, Tim          | Melcher, Harold        |
| Mercer, Robert      | Messier, Irene        | Milligan, Robert      | Morello, Michael       |
| O'Hearn, Jane       | O'Rourke, Thomas      | Perkins, Paul         | Peterson, Andrew       |
| Reidy, Frank        | Sargent, Maxwell      | Searles, Stanley, Sr. | Thulander, O. Alan     |
| Turgeon, Roland     | Vaillancourt, Steve   | Welch, Donald         | Wheeler, Robert        |
| White, Jay          |                       |                       |                        |

**MERRIMACK**

|                    |                   |                    |                    |
|--------------------|-------------------|--------------------|--------------------|
| Anderson, Eric     | Burney, Carol     | Chandler, Earle    | Crosby, Toni       |
| Crowell, Peter     | Daneault, Gabriel | DeStefano, Stephen | Feuerstein, Martin |
| Fraser, Marilyn    | French, Barbara   | Gile, Mary         | Hess, David        |
| Jacobson, Alf      | Larrabee, David   | Lavoie, Gerard     | Leber, William     |
| Moore, Carol       | Nichols, Avis     | Owen, Derek        | Pfaff, Terence     |
| Reardon, Tara      | Rogers, Katherine | St. Cyr, Gerard    | Wallin, Jean       |
| Wallner, Mary Jane | Whalley, Michael  | Whittemore, James  |                    |

**ROCKINGHAM**

|                       |                 |                  |                  |
|-----------------------|-----------------|------------------|------------------|
| Arndt, Janet          | Beaulieu, Jon   | Belanger, Ronald | Camm, Kevin      |
| Christie, Andrew, Jr. | Clark, Martha   | Coes, Betsy      | Cote, Patricia   |
| Cushing, Robert       | Dearborn, Bruce | Dowd, Sandra     | Downing, Michael |

Dube, LeRoy  
 Flanders, John, Sr.  
 Gleason, John  
 Henderson, Warren  
 Katsakiores, George  
 Kobel, Rudolph  
 Major, Norman  
 Micklon, Stephanie  
 Noyes, Richard  
 Raynowska, Bernard  
 Stickney, Nancy  
 Woods, Deborah

Dunham, Vivian  
 Francoeur, Sheila  
 Griffin, Mary  
 Hutchinson, Rebecca  
 Katsakiores, Phyllis  
 Langone, John  
 Malcolm, Kenneth  
 Mikowski, Walter  
 O'Keefe, Patricia  
 Sabella, Norma  
 Syracuse, Anthony

Flanagan, Natalie  
 Frechette, Joseph  
 Guthrie, Joseph  
 Johnson, Robert  
 Kelley, Jane  
 Letourneau, Robert  
 McGovern, Cynthia  
 Norelli, Terie  
 Packard, Sherman  
 Schanda, Frank  
 Vaughn, Charles

Flanders, David  
 Gibbons, Paul  
 Heath, John  
 Kane, Cecelia  
 Klemm, Arthur, Jr.  
 Lovejoy, Marian  
 McKinney, Betsy  
 Nowe, Ronald  
 Pantelakos, Laura  
 Smith, Kevin  
 Welch, David

## STRAFFORD

Bickford, David  
 Estabrook, Iris  
 Keans, Sandra  
 Merrill, Amanda  
 Rollo, Michael  
 Sullivan, Henry  
 Twardus, Joseph

Brennan, William  
 Grassie, Anne  
 Knowles, William  
 Merritt, Deborah  
 Smith, Marjorie  
 Taylor, Kathleen  
 Wall, Janet

Brown, George  
 Hemon, Roland  
 McCann, William, Jr.  
 Pelletier, Arthur  
 Snyder, Clair  
 Torr, Franklin

Dunlap, Patricia  
 Hilliard, Dana  
 McKinley, Robert  
 Pelletier, Marsha  
 Spear, Barbara  
 Tsiros, William

Burling, Peter  
 Leone, Richard

Donovan, Thomas  
 Schotanus, Merle

Ferland, Brenda  
 Wiggins, Celestine

Kibbey, David

## SULLIVAN

## NAYS 67

## BELKNAP

Bartlett, Gordon  
 Clark, Charles  
 Lawton, David  
 Turner, Robert

Boriso, Thomas  
 Holbrook, Robert  
 Lawton, Robert  
 Veazey, John

Boyce, Robert  
 Hurt, George  
 Rice, Thomas, Jr.

Calvert, Alice  
 Laflam, Robert  
 Rosen, Ralph

## CARROLL

Babson, David, Jr.

Philbrick, Donald

## CHESHIRE

Burnham, Daniel

McNamara, Wanda

## COOS

Coulombe, Henry  
 Mears, Edgar

Coulombe, Yvonne  
 Moynihan, Wayne

Guay, Lawrence  
 Pratt, Leighton

Horton, Lynn  
 St. Hilaire, Paul

## GRAFTON

Connolly, Steven  
 Weber, Phil

Guest, Robert

Ham, Bonnie

Mirski, Paul

## HILLSBOROUGH

Bergin, Peter  
 Drabinowicz, A. Theresa  
 Mittelman, David  
 White, Donald

Briefs, Geoffrey  
 Fenton, James  
 Murch, George  
 Wright, George

Burke, M. Virginia  
 Jean, Loren  
 Pepino, Leo

Clegg, Robert, Jr.  
 McRae, Karen  
 Riley, Frances

## MERRIMACK

Adams, Stephen  
 Lamach, Bernard

Colburn, Thomas  
 Marshall, Kenneth

Hoadley, Elizabeth  
 Yeaton, Charles

Krueger, Patricia

**ROCKINGHAM**

Aranda, M. Kathryn  
Dodge, Robert  
Rubin, George

Bishop, Franklin  
Felch, Charles, Sr.  
Stritch, C. Donald

Blanchard, MaryAnn  
Langley, Jane  
Weyler, Kenneth

Cooney, Richard  
Morris, Debbie

**STRAFFORD**

DeChane, Marlene

Kaen, Naida

Rogers, Rose Marie

**SULLIVAN**

Palmer, Lorraine

and the report was adopted.

Rep. Lockwood wished to be recorded in favor.

**SB 116-FN**, relative to the regulation of rural electric cooperatives by the public utilities commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: This is essentially the same bill that passed the House last year but failed in the Senate. Passage of this bill will allow the N.H. Electric Cooperative to be exempt from price setting regulation by the Public Utilities Commission. This will save Coop members significant overhead costs. The committee deemed the policy of exempting the Coop from price regulation to be appropriate, as the Coop is a member-controlled organization whose officers are elected. For the Coop to become exempt from price regulation, its members must affirmatively vote to do so by a 60 percent majority per the committee amendment. Passage of this legislation will not affect statutory regulation of the Coop with regard to several statutes, including: RSA 362-A, the Limited Electrical Energy Producers Act; RSA 363-B, Termination of Services; RSA: 371, Eminent Domain; RSA 374:2-a, Alternative to Herbicide Use; RSA 374:26, Permission for Franchises; RSA 374:26-a, the Pilot Program; RSA 374-C, Public Utility Bond Financing; RSA 374-F, Electric Utility Restructuring; and RSA 378:37-39, New Hampshire Energy Policy and Least Cost Planning. Vote 17-0.

**Amendment (1277h)**

Amend RSA 301:57 as inserted by section 2 of the bill by replacing it with the following:  
301:57 Jurisdiction of Public Utilities Commission.

I. A rural electric cooperative which has had a certificate of regulation on file with the public utilities commission for a period of not less than 5 consecutive years, or which has not at any previous time had a certificate of deregulation on file with the public utilities commission, may elect to become exempt from regulation by the commission and be removed from the definition of "public utility" as provided in RSA 362:2. Any election shall be approved by an affirmative vote of at least 60 percent of those members voting by mail ballot, initiated by petition of not less than 100 members of the cooperative and returnable to a regular meeting of the membership. The first election shall be made no sooner than 120 days after the effective date of this paragraph. Subsequent elections may be held not less than one year after the most recent previous election conducted under this paragraph. The election shall be conducted pursuant to the requirements of the cooperative's bylaws. Within 10 days following the regular meeting of the membership to which the results of the election are returned, the cooperative shall, if the vote is in the affirmative, file a certificate of deregulation with the public utilities commission, and, if the vote is in the negative, file a certificate of regulation with the public utilities commission.

II. A rural electric cooperative which has had a certificate of deregulation on file with the public utilities commission for a period of not less than 5 consecutive years may elect to become subject to regulation by the public utilities commission, and become a "public utility" as provided in RSA 362:2. The election shall be approved by an affirmative vote of at least 60 percent of those members voting by mail ballot initiated by petition of not less than 100 members of the cooperative and returnable to a regular meeting of the membership. The election shall be conducted pursuant to the requirements of the cooperative's bylaws and may be held no sooner than one year after the most recent previous election conducted under this paragraph. Within 10 days following the regular meeting of the membership to which the results of the election are returned, the cooperative shall, if the vote is in the affirmative, file a certificate of regulation with the public utilities commission, and, if the vote is in the negative, file a certificate of deregulation with the public utilities commission.

III. Every rural electric cooperative shall maintain on file with the public utilities commission either a certificate of regulation or a certificate of deregulation. Certificates of regulation and deregulation shall be certified by a duly authorized representative of the rural electric cooperative and shall contain the full text of the ballot question voted upon as provided in paragraph I or II, a certification of the vote results, and a certification that the ballot was initiated by a petition meeting the requirements set forth in paragraphs I-II. Certificates of regulation and deregulation shall remain on file with the public utilities commission unless and until replaced by a certificate of regulation or deregulation resulting from a subsequent election.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-7 to read as 6-9, respectively:

4 Definition of Member Changed. Amend RSA 301-A:1, III to read as follows:

III. "Member" means any ~~[natural person, family unit, household, association or incorporated or unincorporated group organized on a cooperative basis, or any nonprofit group.]~~ *ultimate consumer* which has made full payment of the membership fee or minimum membership capital.

5 Definition of Ultimate Consumer Changed. Amend RSA 301-A:1, VIII to read as follows:

VIII. "Ultimate consumer" means a natural person, family, household, or ~~[a nonprofit organization or]~~ *an association, organization, corporation, partnership, sole proprietorship, or other entity, whether organized on a nonprofit or for-profit basis*, that uses the goods, services, or facilities provided by an ~~[organization]~~ *association* primarily for purposes other than for resale ~~[or for carrying on a for-profit trade or business activity]~~.

Amend RSA 362:2, II as inserted by section 6 of the bill by replacing it with the following:

*II. For the purposes of this title only, rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission pursuant to RSA 301:57 shall not be considered public utilities; provided, however, that the provisions of RSA 362-A, 363-B, 371, 374:2-a, 374:26, 374:26-a, 374-C, 374-F, and 378:37-39 shall be applicable to rural electric cooperatives, without regard to whether a certificate of regulation or deregulation is on file with the public utilities commission. The provisions of RSA 374-A shall apply to rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission to the same extent as municipal utilities.*

#### AMENDED ANALYSIS

This bill authorizes members of a rural electric cooperative to determine if their cooperative shall be subject to regulation by the public utilities commission. This bill changes the definitions of member and ultimate consumer with respect to consumers' cooperative associations.

Adopted.

Report adopted and ordered to third reading.

**SB 181-FN**, allowing certain prisoners to earn good conduct credits reducing such person's minimum sentence and establishing a committee to study permitting certain prisoners to be sentenced to substance abuse treatment centers. **INEXPEDIENT TO LEGISLATE**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The committee felt that passage of this bill would undermine NH's Truth in Sentencing laws, particularly since the enactment of RSA 651:25:VI which states in substance "A low risk, non-violent prisoner who has not served sufficient time to be eligible for parole, may be released on parole subject to these four conditions: (1) the crime was not a violent one, (2) the prisoner has successfully completed a course of programs or treatment, (3) the Commissioner of Corrections recommends such early release, (4) the sentencing court does not object". The committee feels that since this law has never been used that no changes should be made to our existing statutes until it is. By doing so we will be able to determine if further changes might be indicated at a later date. This will allow us not to change the focus and foundation of our Truth in Sentencing philosophy. The Attorney General furnished the committee with a list of offenses for which an inmate could receive a reduction of his minimum sentence under SB 181-FN. Among those offenses are: all felony level drug offenses under RSA Chapter 318-B; felony stalking (RSA 633:3a, VI(a)); felony interference with custody (RSA 633:4,I); tampering with witnesses and informants (RSA 641:5); hindering apprehension or prosecution involving murder or a Class A felony (RSA 642:3); escape (RSA 642:6); false fire alarms resulting in injury or death (RSA 644:3-b); felony indecent exposure and lewdness (RSA 645:I, II); felony level prostitution and related offenses (RSA 645:2,II); felonious use of firearms (RSA 650-A:1) and felonious use of body armor (RSA 650-B:2).

Currently the prosecution and the judge when considering sentence recommendations know that the minimum sentence will indeed be served. The victims and the public know that too. The committee voted to uphold the Truth in Sentencing law which has been partially responsible for the declining crime rate in New Hampshire. Vote 14-2.  
 Adopted.

**SB 149**, prohibiting state agencies managing federal programs from exceeding their statutory authority in placing restrictions on activities of the private sector. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson, Jr. for Executive Departments and Administration: This bill, as passed by the Senate, prohibits the state from enforcing any requirements which are more restrictive than those required by federal law in a federal program administered by the agency, unless the agency has statutory authority to do so. At present, RSA 541-A:26 protects the state and its political subdivisions from these same excessive administrative rules. SB 149 extends this same protection to private sector interests in New Hampshire. In the event of an emergency, this bill authorizes the Joint Legislative Committee on Administrative Rules (JLCAR) to approve exceptions to this restriction. SB 149 has very strong support in the committee. Vote 17-1.

#### **Amendment (1359h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the requirements that state agencies administering federal programs may impose on activities of the private sector.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; State Agencies Administering Federal Programs. Amend RSA by inserting after chapter 124-A the following new chapter:

#### **CHAPTER 124-B**

##### **State Agencies ADMINISTERING Federal Programs**

##### **124-B:1 Authority of Agency Limited.**

I. A state agency, as defined in RSA 541-A:1, II, responsible for administering a federal program, shall not impose any requirements on private sector entities through the adoption or enforcement of administrative rules or any other method in addition to those requirements authorized under federal law or regulation unless:

(a) The agency has statutory authority to do so; or

(b) The agency finds that imminent peril to the public health or safety requires adoption of such additional requirements and states its reasons in writing.

II. Any such requirements contained in proposed administrative rules shall be subject to review by the joint legislative committee on administrative rules pursuant to RSA 541-A.

III. If an agency adopts an emergency rule under RSA 541-A pursuant to the standard in subparagraph I(b) and the committee determines that the standard has not been met, the committee may vote to disapprove the rule as being beyond the authority of the agency and contrary to the intent of the legislature. Notwithstanding RSA 541-A:18, the rule shall expire on the day following the committee's vote.

IV. Upon request to the state agency responsible for administering a federal program, any private sector entity shall be provided with copies of the specific state or federal statutory provisions or federal regulatory provisions authorizing the adoption or enforcement of any rule or other requirement under this section.

2 **Applicability.** Any administrative rule adopted, readopted, or amended after the effective date of this act shall comply with the provisions of this act. All administrative rules shall be brought into compliance with this act no later than July 1, 2000.

3 **Effective Date.** This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill requires that a state agency responsible for administering a federal program shall not impose any requirements on private sector entities through the adoption or enforcement of administrative rules, or any other method, that are in addition to those authorized under federal law or regulation except in certain circumstances.

The bill requires that upon request to any state agency administering a federal program, any private sector entity shall be provided with copies of the specific state or federal statutory provisions or federal regulatory provisions authorizing the adoption or enforcement of any rule or other requirement under this section.

Adopted.

Rep. Merritt spoke against.

Rep. Dickinson spoke in favor.

Report adopted and ordered to third reading.

**SB 197-FN**, relative to final dispositional orders in child protection cases. **RE-REFER TO COMMITTEE** Rep. Barbara Hull Richardson for Judiciary and Family Law: This bill provides that final dispositional orders in child protection cases shall include any ruling or order arising from administrative hearing held or initiated by any administrative agency in which a finding of child abuse or neglect is made. A substantial number of the administrative hearings heard within the past few years have overturned decisions made by the Division for Children and Youth Services staff members. The committee voted to spend more time studying the reorganization of administrative hearings which will remove the procedure entirely from DCYS jurisdiction, providing further credence for the process. Vote 10-2.

Adopted.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Daniels moved that the House reconsider its action whereby it ordered to third reading **SB 40**, relative to the payment of wages by employers, and spoke against. Reconsideration failed.

### RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 28, 1997 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 12**, establishing a Northern New England Interstate Commission on Economic Development.

**SB 104**, relative to rate setting for purposes of automobile insurance and homeowners insurance.

**SB 105**, relative to rent collection upon delinquency in payment of common expenses by condominium unit owners.

**SB 122**, establishing a commission to examine the effects of the managed care industry on those belonging to the disabled and the mental health communities.

**SB 135**, adopting the uniform "transfer on death" security registration act.

**SB 139**, authorizing banks to invest trust funds in bank-affiliated investments.

**SB 178-FN**, regulating managed care systems of health care delivery.

**SB 211-FN**, making technical changes under the motor vehicle financial responsibility laws, insurance fraud laws, and laws regulating managing general agents, reinsurance intermediaries, and third party administrators.

**SB 71-FN**, establishing a committee to identify and study statutes and ordinances in cases in which the penalty is not specified by statutes and clarifying the right to a jury trial in cases in which a civil penalty is imposed for a violation.

**SB 70**, establishing a committee to examine campaign finance reform.

**SB 29**, establishing a pet overpopulation trust.

**SB 54-FN**, relative to gainful occupation of disability beneficiaries in the New Hampshire retirement system.

**SB 182-FN**, relative to the administration, operation, and maintenance of the New Hampshire state veterans cemetery.

**SB 212-FN**, declaring a member of the retirement system on leave under the Family and Medical Leave Act to be in service for purposes of death or disability benefits.

**SB 213-FN-A**, establishing a fund for loans to rehabilitate class III railroads and cog railroads and making an appropriation therefor.

**SB 35**, including "accessibility lift" within the definition of "elevator".

**HB 811**, legalizing, ratifying, and confirming actions, votes, and proceedings of the annual meetings of the North Walpole village district and the town of Bartlett.

**SB 39**, relative to the delivery of bank products and services.

**SB 101**, requiring certain hospitals to file certain forms with the director of charitable trusts.

**SB 130**, relative to the portability, availability, and renewability of health coverage.

**SB 165**, relative to Medicare and health maintenance organizations and small employer and individual insurance.

**SB 154**, relative to charter schools.

**SB 177**, relative to the liability of prospective adoptive parents for court ordered services.

**SB 40**, relative to the payment of wages by employers.

**SB 109**, relative to the official ballot voting option.

**SB 116-FN**, relative to the regulation of rural electric cooperatives by the public utilities commission.

**SB 149**, prohibiting state agencies managing federal programs from exceeding their statutory authority in placing restrictions on activities of the private sector.

### UNANIMOUS CONSENT

Rep. Burling addressed the House.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:00 p.m.

### RECESS

(Rep. Gene Chandler in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 171, 208, 264, 269, 342, 348, 368, 375, 402, 624, 687 and 714 and Senate Bill numbered 34.

Rep. Pfaff for the Committee

### RECESS

(Rep. Hunt in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 102, 249, 399 and HJR 5 and Senate Bill numbered 85.

Rep. Pfaff, Sen. Barnes for the Committee

### RECESS

(Rep. Gene Chandler in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 51, 53, 117, 136, 144, 165, 187, 196, 257, 258, 285, 291, 383, 391, 401, 440, 495, 501, 525, 580, 586, 622, 628, 652, 653, 671, 674, 704, 708, 787, 797, 805 and CACR 18 and Senate Bills numbered 44, 123, 146 and 167.

Rep. Pfaff, Sen. Barnes for the Committee

### RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 22**

Wednesday, May 28, 1997

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Gracious God, we gather as a community, yet each one of us is strangely solitary in Your presence. Each of us has a prayer no one else can utter, each of us feels a joy no one else can share, and each of us has regrets which others can not know. Yet we are bound together in community to support one another and to serve the common good as best we are able. When we grow weary, give us strength. When we are discouraged, give us hope. When we have not been inclusive, remind us. And when our hearts become chilled with indifference, warm them with Your mercy, and inspire us with Your spirit. Amen.

Reps. Felch, Rollo and Kathleen Taylor led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. David Cote, Feng, Guay, Hawkinson, Micklon and Paul Taylor, the day, illness.

Reps. Avery, Boriso, Crowell, David Flanders, Golden, Langer, LaRose, Lavoie, Millard, Mittelman, Morello, Morris, Marsha Pelletier, Peterson, Syracuse, Tufts, Vaughn, Verani and Weatherspoon, the day, important business.

Rep. Morrill, the day, illness in the family.

**INTRODUCTION OF GUESTS**

The 3rd grade class from Hooksett, guests of Rep. Pfaff. Lt. Peter C. Cote, guest of Rep. Peter R. Cote. Larence Duprez, guest of Rep. Herman. Ryan Matheson, guest of Rep. Bernier.

**SENATE MESSAGES****CONCURRENCE**

**HB 52**, authorizing the assignment of superior court judges to hear cases in the district court.

**HB 129**, relative to the definition of emergency services for health care insurance purposes.

**HB 186-FN**, relative to fees for number plates and reducing the amount of the inventory fund in the department of safety.

**HB 187-FN-A**, relative to groundwater monitoring for pesticides.

**HB 224-FN-L**, delaying the start date for the auto emissions inspection program.

**HB 225-FN**, providing for the establishment of a needle exchange pilot program in one community in New Hampshire.

**HB 229-FN-A-L**, establishing a reading recovery training program.

**HB 236-FN**, to allow a person who is being stalked to obtain a protective order.

**HB 246**, making technical corrections to the business profits tax, interest and dividends tax, and the legacies and successions tax and setting the biennial rate of the medicaid enhancement tax at 6 percent.

**HB 273-FN**, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age.

**HB 389**, relative to the water protection assistance program within the office of state planning.

**HB 416**, relative to sentencing for juvenile delinquents.

**HB 424**, postponing the implementation of alternative fuel motor vehicle fleet requirements for 2 years.

**HB 433**, relative to discharge from New Hampshire hospital.

**HB 440-FN**, changing the legislative mileage formula.

**HB 452**, establishing a legislative oversight committee on telecommunications restructuring and relative to approval by the public utilities commission of tariffs for new telephone services.

**HB 468-L**, eliminating a requirement that registers of deeds keep original copies of officers' returns of attachments and writs of execution on file permanently.

**HB 488-FN**, relative to involuntary admission to the state hospital on an emergency basis.

**HB 511-FN-L**, requiring health insurers to provide coverage for certain supplies, services, and education necessary in the treatment of diabetes.

**HB 533-FN**, making technical corrections in the liquor laws.

- HB 572-FN**, relative to town, city, and county treasurers and to the state treasurer.
- HB 596-FN**, repealing certain laws relative to bribery or intimidation of voters.
- HB 598-FN**, relative to liens on aircraft for nonpayment of aircraft registration fees.
- HB 636-L**, relative to facilitating the transfer of contaminated property acquired by a municipality to a buyer eligible to participate in the brownfields program.
- HB 638-FN**, establishing a pilot program for the random on-site inspection and testing of certain sludge and biosolid samples.
- HB 646-FN-A**, relative to eligibility for child day care services for persons receiving public assistance.
- HB 658-FN-A**, ensuring that the division of safety services, department of safety receives its ½ share of unrefunded tolls for boat motor fuels as required by law, and establishing a special fund therefor.
- HB 672-FN-L**, relative to lowering the allowable alcohol concentration for persons under 21 operating OHRVs.
- HB 674-FN-L**, relative to dam registration and filing fees.
- HB 695**, establishing a committee to study the educational requirements of student drivers.
- HB 696-FN-L**, authorizing the court to suspend the motor vehicle driver's license of a person convicted of criminal mischief when the court determines that a motor vehicle was used to abet the commission of criminal mischief.
- HB 722-FN**, opting the state out of a provision of federal law relating to benefits for persons convicted of drug-related offenses.
- HB 724-FN**, allowing the office of reimbursements in the department of health and human services to set rates for the multiple DWI offender intervention detention center program.
- HB 731-FN-A-L**, relative to the taxation of sand, gravel, loam, and other similar substances.
- HB 770-FN**, relative to blood testing in the instance of motor vehicle fatalities and other instances.
- HB 771-FN-L**, relative to hazardous waste operator permit application costs, adding an exemption to the hazardous waste cleanup fund fee, increasing grant awards made pursuant to the used oil collection center program, and relative to the automotive oil fee.
- HJR 6**, authorizing the joint legislative historical committee to acquire and cause to be displayed a portrait of suffragist Marilla Marks Ricker.

### CONCURRENCE WITH AMENDMENTS

- SB 6**, relative to real estate appraisers.
- SB 29**, establishing the companion animal neutering fund.
- SB 39**, relative to the delivery of bank products and services, and establishing a study committee on operation of electronic customer service terminals by non-banks and non-credit unions.
- SB 41**, relative to the time for filing requests for a hearing with the department of labor concerning violations of the whistleblower protection act.
- SB 54-FN**, relative to earnable compensation after termination, creditable service for job-sharing teachers, and gainful occupation of disability beneficiaries in the New Hampshire retirement system.
- SB 70**, establishing a committee to examine campaign finance reform.
- SB 71-FN**, establishing a committee to identify and study statutes and ordinances in cases in which the penalty is not specified by statutes and clarifying the right to a jury trial in cases in which a civil penalty is imposed for a violation.
- SB 98-FN**, relative to the submission of youth employment certificates to employers.
- SB 101**, relative to standards for acquisition transactions involving health care charitable trusts.
- SB 104**, relative to rate setting for purposes of automobile insurance and homeowners insurance.
- SB 116-FN**, relative to the regulation of rural electric cooperatives by the public utilities commission.
- SB 124**, relative to the imposition of fines by the state board of licensure for land surveyors.
- SB 130**, relative to the portability, availability, and renewability of health coverage.
- SB 135**, adopting the uniform "transfer on death" security registration act.
- SB 139**, authorizing banks to invest trust funds in bank-affiliated investments.
- SB 165**, relative to Medicare and health maintenance organizations and relative to the disclosure by insurers of test results for the presence of an antibody or antigen to a human immunodeficiency virus.
- SB 177-FN**, relative to the liability of prospective adoptive parents for court ordered services.
- SB 178-FN**, regulating managed care systems of health care delivery.
- SB 213-FN-A**, establishing a revolving fund for loans to rehabilitate class III railroads and cog railroads.

**REREFERRED TO COMMITTEE**

**HB 191**, reducing the number of categories of pesticides from 3 to one.

**HB 211**, defining the terms "psychological injury" and related terms under the child protection act.

**HB 276**, removing primary petition filing requirements for candidates who do not voluntarily accept campaign spending limitations.

**HB 367-FN-L**, requiring notification to parents when a minor violates the tobacco laws.

**HB 385**, relative to reporting and registration requirements for lobbyists and employees of lobbyists.

**HB 517-FN**, relative to aggravated felonious sexual assault.

**HB 544**, relative to dwellings which extend over public waters.

**HB 648**, establishing a local option fee for local or regional transportation improvements.

**NONCONCURRENCE**

**HB 199-FN**, to include highways designated as part of the National Highway System within the definition of "federal aid primary system" for purposes of the control of outdoor advertising.

**HB 202**, relative to the sale of air guns to minors and the use of air guns by minors and prohibiting the furnishing of arms to persons under 17.

**HB 241**, relative to genetic testing.

**HB 294**, relative to the placement of off-premises business directional signs in municipalities which prohibit such advertising devices.

**HB 334**, establishing guidelines for assessing the eligibility of certain providers for third party reimbursement.

**HB 365**, providing that communications made during family mediation shall be privileged.

**HB 382**, requiring vehicles transporting loads on ways where the speed limit is 30 miles per hour or greater to cover the load.

**HB 386**, relative to the definition of "suitable person" for purposes of licensing a suitable person to carry a loaded pistol or revolver.

**HB 446**, prohibiting candidates of one party from accepting the nomination of another party.

**HB 455-FN-L**, relative to a preliminary breath test for alcohol concentration.

**HB 481**, relative to financial reporting requirements for political candidates.

**HB 532-FN**, relative to the transportation of alcoholic beverages by a minor.

**HB 546**, relative to the form of the presidential primary election ballots.

**HB 589-FN**, removing a common carrier exemption.

**HB 764-FN-L**, relative to a person subject to a domestic violence petition applying to purchase a firearm.

**ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE**

**HB 450**, relative to accessing directory information as defined by the family educational rights and privacy act.

The President appointed Sens. Rubens, McCarley and Johnson.

**NONCONCURS WITH AMENDMENTS****REQUESTS COMMITTEE OF CONFERENCE**

**SB 109**, relative to the official ballot voting option.

The President appointed Sens. Rubens, Squires and Whipple.

Rep. Metzger moved that the House accede.

Adopted.

The Speaker appointed Reps. Patten, McGuirk, Dokmo and Lockwood.

**SB 153**, requiring a check-off box on a driver's license application form relative to having the social security number indicated on the driver's license.

The President appointed Sens. Pignatelli, Gordon and Russman.

Rep. Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Packard, Letourneau, Turgeon and Akins.

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 121**, relative to quality review for accountancy and requiring the board of accounting to adopt administrative rules. (Amendment printed SJ 17, 5/13/97)

Rep. Dyer moved that the House concur and spoke in favor.

Adopted.

**HB 154-L**, defining "legal resident" for purposes of school attendance. (Amendment printed SJ 20, 5/22/97)

Rep. Belvin moved that the House concur and spoke in favor.

Adopted.

**HB 157**, requiring persons marketing small consumer loans by offering inducement checks to print a disclosure on the inducement checks. (Amendment printed SJ 16, 5/8/97)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Lindblade, Fuller Clark and Francoeur.

**HB 161**, relative to pecuniary benefit transactions by charitable trusts. (Amendment printed SJ 21, 5/28/97)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 181**, prohibiting the sale or distribution of exotic aquatic weeds and increasing certain fees. (Amendment printed SJ 17, 5/13/97)

Rep. Royce moved that the House concur and spoke in favor.

Adopted.

**HB 188-FN**, relative to the authority of the boxing and wrestling commission. (Amendment printed SJ 19, 5/20/97)

Rep. Dyer moved that the House concur and spoke in favor.

Adopted.

**HB 201-L**, allowing municipalities to apply the amount of a property tax abatement refund to outstanding taxes owed by the taxpayer. (Amendment printed SJ 18, 5/15/97)

Rep. Hess moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hess, Noyes, Desrosiers and Lundborn.

**HB 203**, relative to driving after a revocation or suspension of license. (Amendment printed SJ 21, 5/28/97)

Rep. Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. George Katsakiores, John Flanders, Ferland, Milligan.

**HB 205-L**, relative to special ballots for unorganized places. (Amendment printed SJ 21, 5/28/97)

Rep. Arndt moved that the House concur and spoke in favor.

Adopted.

**HB 243**, relative to criminal penalties and license revocation following a conviction for shooting and wounding or killing a human being while hunting. (Amendment printed SJ 20, 5/22/97)

Rep. Mock moved that the House concur and spoke in favor.

Adopted.

**HB 262-FN-A-L**, establishing a National Information Infrastructure oversight committee. (Amendment printed SJ 18, 5/15/97)

Rep. Belvin moved that the House concur and spoke in favor.

Adopted.

**HB 300**, establishing a commission to study judicial salaries and retirement benefits. (Amendment printed SJ 20, 5/22/97)

Rep. Woods moved that the House concur and spoke in favor.

Adopted.

**HB 329**, clarifying the applicability of the fireman's rule. (Amendment printed SJ 17, 5/13/97)

Rep. Woods moved that the House concur and spoke in favor.

Adopted.

**HB 340**, relative to the real estate commission and its licensing and bonding requirements. (Amendment printed SJ 17, 5/13/97)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Tara Reardon, Tsiros and Herman.

**HB 344**, relative to planning board procedures on plats. (Amendment printed SJ 18, 5/15/97)

Rep. Metzger moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Brundige, Fraser, Leone and Rice.

**HB 378**, regulating the practice of acupuncture. (Amendment printed SJ 17, 5/13/97)

Rep. Dyer moved that the House concur and spoke in favor.

Adopted.

**HB 412**, relative to motor carrier safety rules and repealing certain obsolete statutes relating to motor vehicles. (Amendment printed SJ 15, 5/6/97)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**HB 426**, establishing a committee to study the rules and regulations regarding the administration of medications in long-term care facilities. (Amendment printed SJ 20, 5/22/97)

Rep. Emerton moved that the House concur and spoke in favor.

Adopted.

**HB 430**, relative to registration of political committees and to political expenditures and contributions. (Amendment printed SJ 20, 5/22/97)

Rep. Arndt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Arndt, Ann Torr, Arnold and Joseph Foster

**HB 437-FN-L**, relative to certain health officers. (Amendment printed SJ 19, 5/20/97)

Rep. Emerton moved that the House concur and spoke in favor.

Adopted.

**HB 442**, requiring insurers to cover certain costs associated with reconstructive surgery after a mastectomy. (Amendment printed SJ 20, 5/22/97)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 447**, eliminating the grandfather clause for licensure of professional engineers. (Amendment printed SJ 17, 5/13/97)

Rep. Dyer moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Cooper, Steere, Robert Dodge and Murphy.

**HB 453**, relative to the bank commissioner's regulation of sales finance companies and retail sellers. (Amendment printed SJ 17, 5/13/97)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Mittelman, Fuller Clark and Lindblade.

**HB 454**, relative to food service establishments. (Amendment printed SJ 20, 5/22/97)  
Rep. Emerton moved that the House concur and spoke in favor.  
Adopted.

**HB 457**, requiring all state agencies, departments, and commissions in all 3 branches of government to have a presence on the New Hampshire automated information system by January 1, 1998, and designating the state library as the official repository of state government information. (Amendment printed SJ 19, 5/20/97)  
Rep. Dyer moved that the House concur and spoke in favor.  
Adopted.

**HB 459-FN**, establishing a youth operator's license for persons under 18 years of age. (Amendment printed SJ 19, 5/20/97)  
Rep. Packard moved that the House concur and spoke in favor.  
Adopted.

**HB 462-FN**, requiring the department of safety to inform persons under 21 years of age of the DWI laws. (Amendment printed SJ 19, 5/20/97)  
Rep. David Welch moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Hansen, Flora, Christie and Schanda.

**HB 469**, relative to the rules of the board of dental examiners. (Amendment printed SJ 17, 5/13/97)  
Rep. Dyer moved that the House concur and spoke in favor.  
Adopted.

**HB 472**, establishing the council for children and adolescents with chronic health conditions. (Amendment printed SJ 20, 5/22/97)  
Rep. Emerton moved that the House concur and spoke in favor.  
Adopted.

**HB 473**, relative to the use of watercraft and boats on the waters of Chocorua Lake in the town of Tamworth. (Amendment printed SJ 17, 5/13/97)  
Rep. Packard moved that the House concur and spoke in favor.  
Adopted.

**HB 502-L**, placing limitations on warrant articles at special meetings. (Amendment printed SJ 21, 5/28/97)  
Rep. Metzger moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Patten, McGuirk, Dokmo and Lockwood.

**HB 534**, establishing a committee to study the New Hampshire highway and bridge infrastructure. (Amendment printed SJ 21, 5/28/97)  
Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Calawa, Gleason, Whittemore and Cloutier.

**HB 536**, requiring certain dam owners to develop emergency action plans, prohibiting the construction of any dam without a permit, and clarifying the process for issuing orders for dam repair. (Amendment printed SJ 20, 5/22/97)  
Rep. Royce moved that the House concur and spoke in favor.  
Adopted.

**HB 537-FN**, relative to the practice of allied health professionals. (Amendment printed SJ 19, 5/20/97)  
Rep. Emerton moved that the House concur and spoke in favor.  
Adopted.

**HB 575**, authorizing the commissioner of the department of environmental services to accept environmental standards developed by the International Standards Organization (ISO) in place of certain permits and certification requirements. (Amendment printed SJ 20, 5/22/97)

Rep. Aranda moved that the House concur and spoke in favor.

Adopted.

**HB 584-L**, relative to the duties of school nurses. (Amendment printed SJ 20, 5/22/97)

Rep. Emerton moved that the House concur and spoke in favor.

Adopted.

**HB 588**, relative to certification of operators of solid waste plants, water treatment plants, and wastewater treatment plants, and adding late renewal fees. (Amendment printed SJ 17, 5/13/97)

Rep. Dyer moved that the House concur and spoke in favor.

Adopted.

**HB 592-FN-A-L**, establishing an advisory council on brain and spinal cord injuries. (Amendment printed SJ 18, 5/15/97)

Rep. Emerton moved that the House concur and spoke in favor.

Adopted.

**HB 599-FN**, relative to youth access to tobacco products. (Amendment printed SJ 19, 5/20/97)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 609-FN-L**, enacting the Uniform Interstate Family Support Act (UIFSA), and relative to child support. (Amendment printed SJ 21, 5/28/97)

Rep. Woods moved that the House concur and spoke in favor.

Adopted.

**HB 611-FN**, making state securities laws comply with the National Securities Markets Improvement Act. (Amendment printed SJ 16, 5/8/97)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 677**, increasing the wetlands excavating and dredging permit fee for major and minor projects. (Amendment printed SJ 17, 5/13/97)

Rep. Royce moved that the House concur and spoke in favor.

Adopted.

**HB 690**, establishing a long-term care institute. (Amendment printed SJ 20, 5/22/97)

Rep. Emerton moved that the House concur and spoke in favor.

Adopted.

**HB 693**, establishing a house committee to examine water quality issues. (Amendment printed SJ 17, 5/13/97)

Rep. Royce moved that the House concur and spoke in favor.

Adopted.

**HB 700-FN-L**, relative to the renovation of regional vocational education centers and expanding an existing appropriation to include such renovations. (Amendment printed SJ 19, 5/20/97)

Rep. Belvin moved that the House concur and spoke in favor.

Adopted.

**HB 718**, changing that which constitutes the practice of medicine. (Amendment printed SJ 20, 5/22/97)

Rep. Emerton moved that the House concur and spoke in favor.

Adopted.

**HB 726-FN**, relative to the jurisdiction and authority of the public utilities commission, the underground utility damage prevention system, and the 911 system. (Amendment printed SJ 19, 5/20/97)

Rep. Jeb Bradley moved that the House concur and spoke in favor.

Adopted.

**HB 735-FN**, adding certain conduct to that which constitutes aggravated felonious sexual assault and felonious sexual assault. (Amendment printed SJ 19, 5/20/97)

Rep. David Welch moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Lyman, Adams, Christie and Knowles.

**HB 755-FN**, relative to OHRVs and increasing certain OHRV registration fees. (Amendment printed SJ 18, 5/15/97)

Rep. Whalley moved that the House concur and spoke in favor. Adopted.

**HB 765-FN**, establishing an osteoporosis prevention, education, and treatment program. (Amendment printed SJ 19, 5/20/97)

Rep. Emerton moved that the House concur and spoke in favor. Adopted.

**HB 785-FN**, relative to alcohol and other drug abuse professionals. (Amendment printed SJ 19, 5/20/97)

Rep. Dyer moved that the House concur and spoke in favor. Adopted.

**HB 799**, regulating the sale of insurance by financial institutions. (Amendment printed SJ 18, 5/15/97)

Rep. Hunt moved that the House concur and spoke in favor. Adopted.

**HB 806-FN**, relative to the business finance authority. (Amendment printed SJ 19, 5/20/97)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Hunt, Carson, Syracuse and Dyer

**HCR 2**, urging all school districts in the state of New Hampshire to implement peer mediation programs. (Amendment printed SJ 11, 4/3/97)

Rep. Belvin moved that the House concur and spoke in favor. Adopted.

## ENROLLED BILL AMENDMENTS

**HB 421**, amending the law against discrimination to prohibit discrimination on account of a person's sexual orientation.

### Amendment (0008-EBA)

Amend RSA 21-I:58, I as inserted by section 5 of the bill by replacing lines 7 and 8 with the following:

religion, age, sex, race, color, ethnic background, marital status, or disabling condition, *or on account of the person's sexual orientation*, or was taken in violation of a statute or of rules adopted by the

Amend RSA 354-A:10, IV as inserted by section 14 of the bill by replacing line 3 with the following:

not available for inspection, sale, or rental when such dwelling is in fact so available. *In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.*

Adopted.

**HB 483**, relative to regulation of securities.

### Amendment (0010-EBA)

Amend the bill by replacing all after section 20 with the following:

21 Securities Registration. The introductory paragraph of RSA 421-B:11, II(a) is repealed and reenacted to read as follows:

II.(a) Before the secretary of state may accept (1) articles of incorporation for a new corporation under RSA 293-A or an application for a certificate of authority for a foreign corporation under RSA 293-A, (2) a certificate of limited partnership for a new limited partnership or an application for registration of a foreign limited partnership under RSA 304-B, (3) a certificate of

formation for a new limited liability company or an application for registration as a foreign limited liability company under RSA 304-C, or (4) an application for registration of a registered limited liability partnership or a notice of registration of a foreign registered limited liability partnership under RSA 304-A, the following requirements shall be met:

22 Statement to be Signed. RSA 421-B:11, II(a)(2) is repealed and reenacted to read as follows:

(2) The statement shall be signed by the incorporators of a corporation to be formed, by an executive officer of an existing corporation, by the general partners or intended general partners if a limited partnership, by one or more members or managers authorized to do so if a limited liability company, or by one or more partners authorized to do so if a registered limited liability partnership or foreign registered limited liability partnership.

23 Contingency. If HB 650 of the 1997 regular session becomes law, sections 21 and 22 of this act shall take effect at 12:01 a.m. on the effective date of section 40 of HB 650. If HB 650 does not become law, sections 21 and 22 of this act shall not take effect.

24 Effective Date.

I. Sections 21 and 22 shall take effect as provided in section 23 of this act.

II. The remainder of this act shall take effect upon its passage.

Adopted.

**SB 16**, relative to drinking water rules for public water systems. (Amendment printed SJ 22, 5/29/97)  
Adopted.

**SB 30**, relative to time of dog licensure. (Amendment printed SJ 22, 5/29/97)  
Adopted.

**SB 82**, relative to determination of reasonable compensation for certain trustees. (Amendment printed SJ 22, 5/29/97)  
Adopted.

**SB 143**, authorizing a municipality to change the date for filing for an elderly exemption. (Amendment printed SJ 22, 5/29/97)  
Adopted.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 93**, relative to employees of employers who hire recipients of state assistance under the employment assistance program, removed by Rep. Daniels.  
Consent Calendar adopted.

**SB 155**, requiring the division of educational improvement, department of education, to prepare and adopt a plan for providing special education to inmates in the state prison system and county correctional facilities. **OUGHT TO PASS**

Rep. Frances L. Riley for Finance: Although the passage of this bill would require the Department of Education, in conjunction with the Department of Corrections and county governments, to prepare and adopt a plan for providing special education to inmates in the state prison and county correctional facilities who require such service, there was no provision for implementing the plan, and consequently no fiscal impact to the proposal. Further legislation in a subsequent session would be required to put the adopted plan into operation. Vote 20-0.

**SB 172**, making various changes to the workers' compensation law. **OUGHT TO PASS**

Rep. Arthur P. Klemm, Jr. for Finance: This bill deals mostly with policy issues and it was determined that there was no financial impact to the state. Vote 18-0.

**SB 203-FN-L**, deleting the state prison and adding county correctional facilities to the provisions relating to incarcerated educationally disabled children. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Mary Jane Wallner for Finance: The Finance Committee supports this bill as amended by the House Education Committee. The committee amendment removes the word "special" from the bill when referring to educational expenses. Vote 19-1.

**Amendment (1540h)**

Amend the bill by replacing section 1 with the following:

1 County Correctional Facilities Added. Amend RSA 186-C:19-a to read as follows:

186-C:19-a Educationally Disabled Children at the Youth Development Center, the State Prison, *County Correctional Facilities*, and the Youth Services Center.

I. For an educationally disabled child at the youth development center [~~or~~], the state prison, *county correctional facilities*, or who is placed at the youth services center maintained by the department of youth development services while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13, the school district responsible for the development of [~~an~~] *that child's* individualized education plan *and the child's educational expenses* shall be as follows:

(a) If such child is in the legal custody of the parent, the school district in which the child's parent resides *at the time the child was physically placed at the youth development center, state prison, county correctional facility, or youth services center*, shall be responsible.

(b) If such child is not in the legal custody of the parent or if the parent *with legal custody* resides outside the state, the *New Hampshire* school district in which the child [~~most recently~~] resided *at the time the child was physically placed at the youth development center, state prison, county correctional facility, or youth services center*, other than in a state institution, home for children or health care facility as defined in RSA 193:27 shall be responsible.

[(c)]II. For the purposes of this section, a parent shall not have legal custody if legal custody has been awarded to some other person or agency, even if that parent retains residual parental rights. An award of legal custody by a court of competent jurisdiction, in this state or in any other state, shall determine legal custody under this section.

[~~H-The~~] III. *For the purposes of this section, a* school [~~district~~] *district's* liability for educational expenses for an educationally disabled child in the youth development center, [~~or~~] the state prison, *county correctional facilities*, or who is placed in the youth services center while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13, shall not exceed the state average elementary cost per pupil, as determined by the state board of education for the preceding school year.

**SB 207-FN**, relative to a digital signature act. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: SB 207 as amended by Finance narrows the scope of digital signatures to communications between state agencies and private entities dealing with the state. It also avoids the state's direct involvement as a certification authority or repository. The Commissioner of Administrative Services will implement the provisions of this bill. The amendment will reduce state expenditures from \$265,000 to \$20,000 over the biennium. Vote 19-0.

**Amendment (1547h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; New Hampshire Digital Signature Act. Amend RSA by inserting after chapter 294-C the following new chapter:

**CHAPTER 294-D****NEW HAMPSHIRE DIGITAL SIGNATURE ACT**

294-D:1 Short Title. This chapter shall be known and may be cited as the New Hampshire digital signature act.

294-D:2 Purpose. This chapter shall be construed consistent with what is commercially reasonable under the circumstances and shall effectuate the following purposes:

I. To set standards and provide credibility for digital signatures used in dealings involving state entities in New Hampshire.

II. To avoid the state's direct involvement as a certification authority or repository.

294-D:3 Definition. In this chapter "digital signature" means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature.

294-D:4 Verification of Digital Signatures.

I. In any written communication in which a signature is required or used when the communication is between the state of New Hampshire and any agency or instrumentality of the state, any party to the communication may affix a signature by use of a digital signature that complies with the requirements of this section. The use of a digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all of the following attributes:

(a) It is unique to the person using it.

(b) It is capable of verification.

(c) It is under the sole control of the person using it.

(d) It is linked to data in such a manner that if the data is changed, the digital signature is invalidated.

(e) It conforms to the rules adopted under RSA 294-D:5.

II. The use or acceptance of a digital signature shall be at the option of the parties. Nothing in this section shall require an entity to use or permit the use of a digital signature.

294-D:5 Rulemaking and Implementation. The commissioner of administrative services shall implement the provisions of this chapter. The commissioner may utilize the services of other state departments and agencies. The commissioner of administrative services shall adopt rules pursuant to RSA 541-A relative to the administration of this chapter.

2 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes the New Hampshire Digital Signature Act which is to be administered by the commissioner of administrative services. The commissioner of administrative services is granted rulemaking authority for the purposes of this bill.

### REGULAR CALENDAR

**SB 79**, prohibiting the sale of gift certificates containing an expiration date, relative to unclaimed and abandoned property, and relative to liens on personal property. **OUGHT TO PASS WITH AMENDMENT**

Rep. Arthur P. Klemm, Jr. for Finance: This bill as amended is the result of a compromise between the bill sponsors and the state treasurer. The amendment changes current law to the effect that gift certificates under \$75 and store credits that were not issued for store merchandise credit shall not escheat to the state. Testimony from the state treasurer indicated there would be a minimal financial impact to the state. Vote 13-6.

#### Amendment (1561h)

Amend the bill by replacing section 3 with the following:

3 Gift Certificates and Store Credits. RSA 471-C:16 is repealed and reenacted to read as follows:

471-C:16 Gift Certificates and Store Credits. Notwithstanding any law to the contrary, gift certificates under \$75, and store credits that were issued for store merchandise credit, regardless of when issued, shall not be property presumed abandoned and shall not be subject to RSA 471-C or any other past or present law provided that all gift certificates and store credits remitted to the state prior to January 1, 1998, shall remain in the custody of the state unless and until returned to the owner.

### AMENDED ANALYSIS

This bill:

I. Prohibits gift certificates sold to purchasers from containing enforceable expiration dates.

II. Allows any person who repairs personal property items to have a lien on the property until charges for the repair have been paid. In the event the repair is unpaid after 60 days the holder of the lien may sell the property at public sale.

III. Provides that gift certificates under \$75 and store credits that were issued for store merchandise credit shall not escheat to the state.

Adopted.

Report adopted and ordered to third reading.

**SB 162-FN-A-L**, relative to the acquisition of a certain piece of property in Piermont, New Hampshire and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. David J. Alukonis for Finance: The amendment reflects the joint efforts of the Finance Committee, the bill sponsors and the private conservation groups which are proponents of the purchase of the Lake Tarleton property. The Finance Committee amendment reduces the appropriation from \$950,000 to \$500,000. In order to accomplish this reduction, the amendment specifically excludes the purchase of any real estate upon which there are any existing structures. The bill does however, allow for the purchase of conservation easements over these lots. The net result of the committee amendment allows for the Lake Tarleton property to be conserved in partnership with federal and private concerns at a significantly reduced cost to the State of New Hampshire. Vote 14-3.

**Amendment (1553h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The purpose of this act is to make funds available to the department of resources and economic development for the purchase of a certain tract of land located in Piermont, New Hampshire on Lake Tarleton. The tracts total approximately 38 acres, including conservation easements, on the western shore of Lake Tarleton. Lake Tarleton is a water body that encompasses approximately 315 acres, and is located in an area that is currently targeted by the federal government for expansion of the White Mountain National Forest; under this federal plan, Lake Tarleton would become the largest lake in the White Mountain National Forest. The acquisition by the state of this tract in Piermont would secure state access to and assure future state participation in the White Mountain National Forest. Such acquisition would also keep the shores of Lake Tarleton, which have been targeted for development, in the public domain. The purchased property would be managed by the department of resources and economic development.

2 Authority.

I. The commissioner of the department of resources and economic development may, in the name of and on behalf of the state, purchase fee real estate and conservation easements in Piermont, New Hampshire consisting of approximately 38 acres along the western shore of Lake Tarleton, the fee purchase not to include any lot containing structures or subsurface sewage disposal systems. The conservation easements shall limit development on each lot to a single family home. The final sale price of the property shall be determined by appraisal, but may not exceed \$500,000.

II. The commissioner may develop, with appropriate public input, a master plan for the development and use or development or use of the property. Such master plan may include the operation of a state park.

III. The department of resources and economic development may enter into cooperative agreements for the operation of a park, a visitors' center, or a park and visitors' center. If, after 3 years, such cooperative agreements are not renewed or in the opinion of commissioner, do not prove to be successful, then the commissioner is authorized to resell the property or any portion thereof.

IV. The department shall not be required to operate a park or any facility on the property unless an appropriation has been made for such operation or to use any state park fund money for the purposes of development or maintenance of the Lake Tarleton property.

V. Any unbuilt but platted roadways servicing the tracts of land described in paragraph I shall be discontinued with the agreement of affected landowners and the town of Piermont.

3 Appropriation. The sum of \$500,000 is hereby appropriated to the department of resources and economic development for the purchase and development of a certain tract of land and conservation easements located in Piermont, New Hampshire on Lake Tarleton.

4 Bonds Authorized. To provide funds for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

5 Contingency. The issuance of the bond contemplated in section 4 of this act is contingent upon the donation to the state of an additional 43.23 acres of land and 5-acre conservation easement to the south of the land to be purchased under paragraph I of section 2 of this act, and the acquisition by the United States Forest Service of 3,400 acres in the vicinity of Lake Tarleton for the purpose of expansion of the White Mountain National Forest.

6 Effective Date. This act shall take effect July 1, 1997.

Adopted.

Reps. Winston McCarty, Vaillancourt and Frances Riley spoke against.

Reps. William Williams, D'Allesandro and Alukonis spoke in favor and yielded to questions.

Rep. Teschner requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 242 NAYS 108**

**YEAS 242**

**BELKNAP**

Bartlett, Gordon  
Pilliod, James

Clark, Charles  
Turner, Robert

Holbrook, Robert  
Veazey, John

Laflam, Robert

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
MacDonald, Kenneth

Bradley, Jeb  
Foster, Robert  
Mock, Henry

Chandler, Gene  
Kenney, Joseph  
Patten, Betsey

Cooper, Kipp  
Lyman, L. Randy  
Philbrick, Donald

**CHESHIRE**

Bonneau, Sarah  
Doucette, Richard  
Metzger, Katherine  
Riley, William  
Vogl, John

Burnham, Daniel  
Hunt, John  
O'Connell, John  
Robertson, Timothy

Champagne, Richard  
Lynch, Margaret  
Pratt, Irene  
Royce, H. Charles

DePecol, Benjamin  
McGuirk, Paul  
Richardson, Barbara  
Steere, Myron, III

**COOS**

Bradley, Paula

Horton, Lynn

Tholl, John, Jr.

**GRAFTON**

Akins, Ralph  
Brown, Channing  
Guaraldi, Lawrence  
Hinman, Harry  
Nordgren, Sharon  
Trelfa, Richard

Alger, John  
Chase, Paul, Jr.  
Guest, Robert  
Lovett, Sidney  
Phinney, William  
Weber, Phil

Almy, Susan  
Copenhaver, Marion  
Ham, Bonnie  
Luker, Elsa  
Root, John  
Williams, William, Jr.

Below, Clifton  
Eaton, Stephanie  
Hill, Richard  
MacNeil, Allen  
Teschner, Douglass

**HILLSBOROUGH**

Allen, W. Gordon  
Baroody, Benjamin  
Bergin, Peter  
Calawa, Leon, Jr.  
Clemons, Jane  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Foster, Linda  
Ginsburg, Ruth  
Hall, Betty  
Johnson, Lionel  
Leishman, Peter  
MacAuslan, Rita  
Messier, Irene  
Perkins, Paul  
Searles, Stanley, Sr.  
Williams, Carol

Alukonis, David  
Barry, William, III  
Bernier, Shannon  
Cardin, Lori  
Cote, Peter  
Desrosiers, William  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Gosselin, Gerald  
Hart, Nick  
Kelley, Robert  
Leonard, Peter  
MacIntyre, Doris  
Murch, George  
Piteri, Dawn  
Turgeon, Roland

Ameen, W.  
Batula, Peter  
Boutin, David  
Carlson, Donald  
D'Allesandro, Lou  
Drabinowicz, A. Theresa  
Fields, Dennis  
Gage, Ruth  
Haettenschwiller, Alphonse  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
Martin, Mary  
O'Hearn, Jane  
Reidy, Frank  
Welch, Donald

Amidon, Eleanor  
Belvin, William  
Brundige, Robert  
Clay, Susan  
Daigle, Robert  
Durham, Susan  
Foster, Joseph  
Gagnon, Eugene  
Haley, Robert  
Jean, Claudette  
L'Heureux, Robert  
Lozeau, Donnalee  
McDonald, James, Sr.  
Pepino, Leo  
Sargent, Maxwell  
Wheeler, Robert

**MERRIMACK**

Anderson, Eric  
Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
Marshall, Kenneth  
Pfaff, Terence  
St. Cyr, Gerard

Burney, Carol  
DeStefano, Stephen  
French, Barbara  
Krueger, Patricia  
Maxfield, Roy  
Reardon, Tara  
Wallin, Jean

Chandler, Earle  
Dunn, Miriam  
Gile, Mary  
Lamach, Bernard  
Moore, Carol  
Rogers, Katherine  
Wallner, Mary Jane

Crosby, Toni  
Feuerstein, Martin  
Hager, Elizabeth  
Lockwood, Robert  
Owen, Derek  
Seldin, Gloria  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Blanchard, MaryAnn  
Clark, Martha  
Dolan, Richard  
Felch, Charles, Sr.

Aranda, M. Kathryn  
Case, Margaret  
Coes, Betsy  
Dowd, Sandra  
Flanagan, Natalie

Arndt, Janet  
Cegelis, Mark  
Cooney, Richard  
Downing, Michael  
Flanders, John, Sr.

Belanger, Ronald  
Christie, Andrew, Jr.  
Dodge, Robert  
Dube, LeRoy  
Francoeur, Sheila

Frechette, Joseph  
Heath, John  
Kane, Cecelia  
Kobel, Rudolph  
Malcolm, Kenneth  
Norelli, Terie  
Raynowska, Bernard  
Stickney, Nancy

Gibbons, Paul  
Henderson, Warren  
Katsakiores, George  
Langley, Jane  
McCarthy, John, Jr.  
Noyes, Richard  
Sabella, Norma  
Stone, Joseph

Gleason, John  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langone, John  
McGovern, Cynthia  
O'Keefe, Patricia  
Schanda, Frank  
Woods, Deborah

Griffin, Mary  
Johnson, Robert  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McKinney, Betsy  
Pantelakos, Laura  
Smith, Kevin

### STRAFFORD

Berube, Roger  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Smith, Marjorie  
Torr, Franklin  
Vincent, Francis

Brennan, William  
Hemon, Roland  
Lundborn, Raymond  
Musler, George  
Snyder, Clair  
Tsros, William  
Wall, Janet

Dunlap, Patricia  
Kaen, Naida  
McKinley, Robert  
Rogers, Rose Marie  
Spear, Barbara  
Twardus, Joseph

Estabrook, Iris  
Keans, Sandra  
Merrill, Amanda  
Rollo, Michael  
Torr, Ann  
Vachon, Dennis

### SULLIVAN

Adler, Rudolf  
Donovan, Thomas  
Schotanus, Merle

Allison, David  
Flint, Gordon  
Wiggins, Celestine

Burling, Peter  
Kibbey, David

Cloutier, John  
Leone, Richard

### NAYS 108

### BELKNAP

Boyce, Robert  
Rosen, Ralph

Hurt, George  
Salatiello, Thomas

Lawton, David

Rice, Thomas, Jr.

### CARROLL

Howard, Godfrey

### CHESHIRE

Lynott, Margaret  
Pratt, John

Manning, Joseph  
Russell, Ronald

McNamara, Wanda  
Smith, Edwin

Meader, David

### COOS

Coulombe, Henry  
Merrill, Gerald

Coulombe, Yvonne  
Pratt, Leighton

Davis, Perley  
St. Hilaire, Paul

Mears, Edgar

### GRAFTON

Cobbin, Philip

Connolly, Steven

### HILLSBOROUGH

Arnold, Thomas, Jr.  
Christiansen, Lars  
Dyer, Merton  
Golding, William  
Holley, Sylvia  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McGough, Tim  
Murphy, Robert  
White, Donald

Burke, M. Virginia  
Clegg, Robert, Jr.  
Fenton, James  
Goulet, Maurice  
Holt, David  
Lessard, Rudy  
Marcinkowski, Michael  
Melcher, Harold  
Riley, Frances  
Wright, George

Carney, Lauren  
Daniels, Gary  
Ferguson, Charles  
Hansen, Herbert  
Jean, Loren  
Luebker, Bernard  
McCarthy, William  
Mercer, Robert  
Thulander, O. Alan

Chabot, Robert  
Dokmo, Cynthia  
Flora, Kathleen  
Herman, Keith  
Kelly, Michael  
Lynde, Harold  
McCarty, Winston  
Milligan, Robert  
Vaillancourt, Steve

### MERRIMACK

Adams, Stephen  
Hoadley, Elizabeth  
Whalley, Michael

Brown, Mary  
Larrabee, David  
Whittemore, James

Colburn, Kathleen  
Leber, William

Colburn, Thomas  
Nichols, Avis

**ROCKINGHAM**

|                          |                       |                    |                  |
|--------------------------|-----------------------|--------------------|------------------|
| Battles-Peirce, Marjorie | Beaulieu, Jon         | Bishop, Franklin   | Camm, Kevin      |
| Carson, Gregory          | Cote, Patricia        | Cushing, Robert    | Dearborn, Bruce  |
| Dowling, Patricia        | Dunham, Vivian        | Fesh, Robert       | Guthrie, Joseph  |
| Kelley, Jane             | Letourneau, Robert    | Major, Norman      | Mikowski, Walter |
| Moore, Benjamin          | Nowe, Ronald          | Packard, Sherman   | Reardon, Neil    |
| Rubin, George            | Simmons, John Anthony | Stritch, C. Donald | Varrell, Thomas  |
| Welch, David             | Weyler, Kenneth       |                    |                  |

**STRAFFORD**

|                 |                   |                 |                  |
|-----------------|-------------------|-----------------|------------------|
| Bickford, David | Brown, George     | Brown, Julie    | Callaghan, Frank |
| Hilliard, Dana  | Pelletier, Arthur | Sullivan, Henry | Taylor, Kathleen |

**SULLIVAN**

|                 |                 |                  |
|-----------------|-----------------|------------------|
| Ferland, Brenda | Lindblade, Eric | Palmer, Lorraine |
|-----------------|-----------------|------------------|

and the report was adopted.

Ordered to third reading.

**SB 169-FN**, relative to a college tuition savings plan. **OUGHT TO PASS WITH AMENDMENT**  
**Rep. David J. Alukonis for Finance:** The Finance Committee amendment adds language which is consistent with other bills which create boards and commissions. Additionally, the amendment requires that the commission issue reports, at least annually, which detail the status of an individual's investments in the plan. Vote 20-0.

**Amendment (1534h)**

Amend RSA 195-H:2 as inserted by section 2 of the bill by replacing it with the following:  
 195-H:2 Advisory Commission Established; Reports.

I.(a) There is established the New Hampshire college tuition savings plan advisory commission which shall ensure the proper administration and management of the savings plan. The commission shall consist of the following members:

(1) The state treasurer.

(2) Two members of the house of representatives, one of whom shall be a member of the house finance committee, appointed by the speaker of the house.

(3) Two members of the senate, appointed by the senate president.

(4) The governor, or designee.

(5) Two public members, one of whom shall have business experience, appointed by the governor.

(6) One member representing the college and university system of New Hampshire, appointed by the chancellor.

(7) One member of the postsecondary education commission, appointed by the members of the commission.

(8) One member representing the regional community-technical college system, appointed by the commissioner.

(9) One member representing the New Hampshire college and university council, appointed by the members of the council.

(10) One member representing the New Hampshire Higher Education Assistance Foundation, appointed by the foundation.

(b) Except for the members appointed under subparagraphs (a)(1)-(4), members shall be appointed for 2-year terms.

II. Members of the commission shall serve without compensation, except that legislative members shall receive mileage at the legislative rate.

III. The commission shall keep written records of all its proceedings.

IV. No member of the commission shall have any personal interest in the gains or profits of any investment made by the commission; nor shall any member of the commission, directly or indirectly, for such member or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the commission; nor shall any member of the commission become an endorser or surety, or in any manner an obligor, for money loaned to or borrowed from the commission.

V. Members of the commission shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this chapter.

VI.(a) The state treasurer shall make quarterly reports regarding the status of the savings plan to the commission.

(b)(1) At least annually, the commission shall issue to each participant, a statement which shall include the participant's beginning balance, contributions, and earnings credited to their account during the previous fiscal year.

(2) At least annually, the commission shall make annual reports regarding the status of the savings program to each participant in the savings plan and to the state library.

Adopted.

Report adopted and ordered to third reading.

**SB 180-FN-A**, relative to the maintenance, enhancement and rehabilitation of local rural airport service and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: The revolving loan fund established under this law is for a very narrow group of airports that are open to the public, and part of the state airport system. The eligible airport must be in a town of 14,000 population or less. The bonds, if needed, to establish the fund, will have payments covered by airport payments, and thus will not add to the general fund bonding. Vote 18-1.

### Amendment (1437h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to establishing a revolving fund for loans for the maintenance, enhancement, and rehabilitation of local rural airport service.

Amend the bill by replacing all after section 1 with the following:

2 New Subdivision; Rural Airport Capital Fund Established. Amend RSA 423 by inserting after section 10 the following new subdivision:

**Rural Airport Capital Revolving Loan Fund**

**423:11 Rural Airport Capital Revolving Loan Fund.**

I. There is hereby established in the office of the state treasurer a fund to be known as the rural airport capital revolving loan fund which shall be kept separate and distinct from all other funds. Moneys in the fund shall be nonlapsing and shall be continually appropriated to the department of transportation, and shall be used to provide loans to enhance and rehabilitate all non-commercial service airports open to the public in municipalities with populations of 14,000 or less. Loans to airports from this fund shall be subject to the approval of the governor and council.

II. The operator of the rural airport provided a loan under this section shall furnish assurance to the director of the division of aeronautics by a signed agreement that the rural airport intends to operate as an airport and will remain open to the public for the life of the capital improvement.

III. The operator of the rural airport shall repay any loan made pursuant to this section upon such terms and conditions as are recommended by the department of transportation, director of the division of aeronautics. The term of the loan shall be no less than 5 years and no longer than 20 years, and shall to the extent possible consistent with this section be determined so as to match the useful life of the improvements funded by the loan. The terms and conditions shall be contained in the binding agreement between the state and the operator of the rural airport and shall be sufficient to fully reimburse the state for the principal and interest payments on that portion of the bonds authorized to fund the loan. All money received through reimbursement shall be deposited by the state treasurer in the rural airport capital revolving loan fund.

IV. A lien on the property of the rural airport shall be created in favor of the state in an amount which equals the sum of principal and interest to be repaid by the owner or sponsor of the rural airport. The lien shall be recorded in the registry of deeds of the county or counties in which the property is situated and shall not supersede any pre-existing lien created by a mortgage affecting such property. The lien shall expire only when the loan has been fully repaid.

V. To provide funds for the revolving loan fund established pursuant to this section, the state treasurer, as may be requested from time to time by the division of aeronautics, department of transportation, is authorized to borrow from time to time upon the credit of the state such amounts so that the total state obligation shall at no time exceed \$750,000 and for said purposes may issue bonds and notes at such time in the name and on behalf of the state of New Hampshire in accor-

dance with the provisions of RSA 6-A. The department shall request and the treasurer shall issue bonds only for such amounts from time to time as are required for the purposes of this section and provided that the principal and interest payments can be satisfied from sums in the fund established in paragraph I.

VI. The payments of principal and interest on the bonds issued under paragraph V shall be made when due from the special fund established by paragraph I.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a revolving loan fund to be used to provide loans to enhance and rehabilitate certain airports and authorizes bonds to be issued by the treasurer with principal and interest paid for from the fund for the purposes of the revolving loan program.

Adopted.

Report adopted and ordered to third reading.

**SB 202-FN-A-L**, relative to the certification of teachers, high school graduation examinations and making an appropriation therefor, school building aid, and establishing a committee to study school discipline and manifest educational hardship. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: Testimony before the committee posed problems with the recertification proposal and "standards of the world's top performing nations," for high school testing. The committee amendment provides that every teacher will be tested at least once and periodically thereafter as directed by the state board and department. Clarifying language for "standard of the world's top performing nations," has been added. Also the amendment removed the \$300,000 for developing the twelfth grade test. Most of that money won't be required until the next biennium. Vote 11-6.

### Amendment (1551h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the certification and recertification of teachers, supervisors, and administrators, high school graduation examinations, school building aid, and establishing a committee to study school discipline and manifest educational hardship.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Tests of Academic Knowledge; Prerequisite to Teacher Certification. Amend RSA 189 by inserting after section 13-a the following new section:

189:13-b Tests of Academic Knowledge; Prerequisite to Teacher Certification.

I. The state board of education and the department of education shall establish, from preexisting resources, suitable tests of academic knowledge to be administered as a prerequisite for certification, and periodically for recertification as determined by the state board and the department, of teachers, supervisors, and administrators in New Hampshire.

II. Such tests shall be germane to the subject matter and major field of study in which a prospective teacher seeks certification or recertification.

III. Costs of such tests shall be incorporated into the cost of the certification or recertification fee.

2 Application of Section 1.

I. Testing shall be required for all initial certifications beginning with the 1999-2000 school year.

II. Testing shall be required of all applicants not previously tested as a requirement for certification or recertification for the applicant's first recertification beginning with the 1999-2000 school year.

3 Failure to Meet Time Frames; Hearings Relative to Failure to be Renominated or Reelected. Amend RSA 189:14-a, I(b) to read as follows:

(b) Any such teacher who has taught for 3 consecutive years or more in the same school district and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of ~~[said]~~ *such* request, shall provide for a hearing on the request to be held within ~~[+5]~~ 30 days. The school board shall issue its decision *to the teacher* in writing *by certified mail* within ~~[+5]~~ 30 days of the close of the hearing.

4 Failure to Meet Time Frames; Review by State Board. Amend RSA 189:14-b to read as follows: 189:14-b Review by State Board. A teacher aggrieved by such decision may request the state board of education for review thereof. Such request must be in writing and filed with the state board within 10 days after the [issuance] receipt of the decision to be reviewed. Upon receipt of such request, the state board shall notify the school board of the request for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within ~~(15)~~ 60 days after the request for review is filed~~[-and]~~. The decision of the state board shall be final and binding upon both parties.

5 Statement of Purpose. The purpose of sections 6-9 of this act is to:

I. Identify, encourage, and provide recognition to students who excel academically by awarding them a New Hampshire certificate of advanced academic achievement.

II. Establish the high school graduation assessment as a widely accepted and meaningful indicator of educational achievement.

III. Develop and maintain the academic assessment in concert with the statewide education improvement and assessment program.

6 Advocates for Educationally Disabled to be Consulted. Amend the introductory paragraph of RSA 193-C:3 to read as follows:

There is established within the department of education a statewide education improvement and assessment program. The commissioner shall develop and implement this program in conjunction with the state board of education and the legislative oversight committee. In carrying out this program, the commissioner shall consult widely with educators at all levels, *representatives of educationally disabled pupils*, business people, government officials, community representatives, and parents.

7 New Section; High School Graduation Assessment Required. Amend RSA 193-C by inserting after section 6 the following new section:

193-C:6-a High School Graduation Assessment.

I. The high school graduation assessment shall measure what pupils know and are able to do in terms of high standards required for success in postsecondary education, the work place, and the community. The New Hampshire standards shall be comparable to the standards of the world's top performing nations.

II. High school graduation assessment results shall be reported at the individual pupil, school, and district levels in a manner consistent with that employed at the other 3 grades assessed. Performance levels shall be benchmarked, to the extent possible according to the achievement demonstrated by pupils from the world's top performing nations.

III. A New Hampshire certificate of advanced achievement shall be awarded to those otherwise qualifying for high school graduation who perform at the advanced level in each of the academic areas assessed.

IV. Notwithstanding any other provision of law, no public school, public academy, or charter school pupil shall be awarded a high school diploma by a local school board or board of trustees unless such pupil has taken the high school graduation assessment. In no case shall a pupil's level of performance on the high school graduation assessment be cause to deny a diploma to such pupil.

V. The high school graduation assessment shall be administered annually at state expense to all public school, public academy, and charter school twelfth grade pupils with suitable provision for taking a make-up assessment by pupils who are unavoidably absent. A pupil may take the high school graduation assessment at an earlier grade level when it is administered at his or her school if granted permission to do so by the school principal or administrator. A pupil who has graduated from a New Hampshire public secondary school, public academy, or charter secondary school and has not reached the age of 21 may take the high school graduation assessment when it is administered at any convenient location provided that he or she makes suitable arrangements with the principal or administrator of the school or academy in advance of taking the assessment.

VI. New Hampshire certificates of advanced academic achievement shall be signed by the governor and awarded to the pupil.

VII. Other than as specifically required in this section, the standards and benchmarks referenced in paragraphs I and II shall be used solely for the purpose of measuring achievement and shall in no way be construed to impose any requirements applying to any school district.

8 Pilot Program; High School Graduation Assessment. The high school graduation assessment shall be piloted during the school year beginning in 1999. The department of education shall determine the school districts in which the pilot assessment shall be administered.

9 Statewide Implementation; High School Graduation Assessment. Annual statewide administration of the high school graduation assessment shall be implemented during the school year beginning in 2000.

10 Statement of Purpose. It is the purpose of section 11 of this act that the legislature encourage year round schooling.

11 School Building Aid. Amend RSA 198:15-b, I to read as follows:

I.(a) The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be a sum equal to 30 percent of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district or receiving district, heretofore or hereafter incurred, for the cost of construction or purchase of school buildings and school administrative unit facilities, to the extent approved by the state board of education, provided that any school district may receive an annual grant in the amount of 40 percent for the construction of an educational administration building for school administrative unit, and provided that the amount of the annual grant in the case of a cooperative school district, or a receiving district operating an area school, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each sending district in excess of one, and provided further that no cooperative school district, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent.

*(b) For any district, the added cost of renovating equipment necessary for air conditioning, to make new or existing buildings suitable and used for year round schooling shall be entitled to aid at 75 percent of the cost of such renovations for so long as the district maintains a year round school program in the building receiving aid. Fifty percent of the aid shall be reimbursed if a town abandons year round schooling within 5 years of the first year of receipt of such aid.*

12 Application. Section 11 of this act shall apply only to school building aid grants approved on or after July 1, 1997.

13 Committee Established.

I. There is established a committee to study issues relating to school discipline and manifest educational hardship.

II. The members of the committee shall be as follows:

(a) Three members of the senate, 2 of whom shall be members of the senate education committee, appointed by the president of the senate.

(b) Three members of the house, 2 of whom shall be members of the house education committee, appointed by the speaker of the house.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall examine issues relating to school discipline and manifest educational hardship.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. Four members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

14 Effective Date.

I. Sections 1-4 of this act shall take effect January 1, 1998.

II. Section 13 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1997.

#### AMENDED ANALYSIS

This bill:

I. Requires the state board and the department of education to establish, from preexisting resources, suitable tests of academic knowledge to be administered as a prerequisite for certification and certain recertification of teachers, supervisors, and administrators in New Hampshire

II. Establishes a high school graduation assessment program.

III. Revises the provisions relative to the amount of annual grants for school building aid.

IV. Establishes a committee to study issues relating to school discipline and manifest educational hardship.

Rep. Lozeau requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

## YEAS 327 NAYS 25

### YEAS 327

#### BELKNAP

|                   |                |                    |                  |
|-------------------|----------------|--------------------|------------------|
| Bartlett, Gordon  | Boyce, Robert  | Clark, Charles     | Holbrook, Robert |
| Hurt, George      | Lafiam, Robert | Lawton, David      | Pilliod, James   |
| Rice, Thomas, Jr. | Rosen, Ralph   | Salatiello, Thomas | Turner, Robert   |
| Veazey, John      |                |                    |                  |

#### CARROLL

|                        |                    |                 |                |
|------------------------|--------------------|-----------------|----------------|
| Babson, David, Jr.     | Bradley, Jeb       | Chandler, Gene  | Cooper, Kipp   |
| Dickinson, Howard, Jr. | Foster, Robert     | Howard, Godfrey | Kenney, Joseph |
| Lyman, L. Randy        | MacDonald, Kenneth | Mock, Henry     | Patten, Betsey |
| Philbrick, Donald      |                    |                 |                |

#### CHESHIRE

|                   |                    |                     |                    |
|-------------------|--------------------|---------------------|--------------------|
| Burnham, Daniel   | Champagne, Richard | DePecol, Benjamin   | Doucette, Richard  |
| Hunt, John        | Lynch, Margaret    | Lynott, Margaret    | Manning, Joseph    |
| McGuirk, Paul     | McNamara, Wanda    | Meader, David       | Metzger, Katherine |
| Pratt, Irene      | Pratt, John        | Richardson, Barbara | Riley, William     |
| Royce, H. Charles | Russell, Ronald    | Smith, Edwin        | Steere, Myron, III |
| Vogl, John        |                    |                     |                    |

#### COOS

|                  |                 |                  |                   |
|------------------|-----------------|------------------|-------------------|
| Bradley, Paula   | Coulombe, Henry | Coulombe, Yvonne | Davis, Perley     |
| Mears, Edgar     | Merrill, Gerald | Pratt, Leighton  | St. Hilaire, Paul |
| Tholl, John, Jr. |                 |                  |                   |

#### GRAFTON

|                        |                    |                    |                  |
|------------------------|--------------------|--------------------|------------------|
| Akins, Ralph           | Alger, John        | Almy, Susan        | Below, Clifton   |
| Brown, Channing        | Chase, Paul, Jr.   | Cobbin, Philip     | Connolly, Steven |
| Copenhaver, Marion     | Eaton, Stephanie   | Guaraldi, Lawrence | Guest, Robert    |
| Ham, Bonnie            | Hill, Richard      | Hinman, Harry      | Lovett, Sidney   |
| Luker, Elsa            | MacNeil, Allen     | Nordgren, Sharon   | Phinney, William |
| Root, John             | Teschner, Douglass | Trelfa, Richard    | Weber, Phil      |
| Williams, William, Jr. |                    |                    |                  |

#### HILLSBOROUGH

|                     |                            |                     |                         |
|---------------------|----------------------------|---------------------|-------------------------|
| Allen, W. Gordon    | Alukonis, David            | Ameen, W.           | Amidon, Eleanor         |
| Arnold, Thomas, Jr. | Baroody, Benjamin          | Barry, William, III | Batula, Peter           |
| Belvin, William     | Bergin, Peter              | Bernier, Shannon    | Brundige, Robert        |
| Burke, M. Virginia  | Calawa, Leon, Jr.          | Cardin, Lori        | Carlson, Donald         |
| Carney, Lauren      | Chabot, Robert             | Christiansen, Lars  | Clay, Susan             |
| Clegg, Robert, Jr.  | Cote, Peter                | Daigle, Robert      | Daniels, Gary           |
| Dawe, Eileen        | Desrosiers, William        | Dokmo, Cynthia      | Drabinowicz, A. Theresa |
| Durham, Susan       | Dwyer, Paul, Sr.           | Dyer, Merton        | Emerton, Lawrence, Sr.  |
| Fenton, James       | Ferguson, Charles          | Fields, Dennis      | Flora, Kathleen         |
| Foster, Joseph      | Foster, Linda              | Franks, Suzan       | Gage, Ruth              |
| Gagnon, Eugene      | Ginsburg, Ruth             | Golding, William    | Gosselin, Gerald        |
| Goulet, Maurice     | Haettenschwiller, Alphonse | Haley, Robert       | Hall, Betty             |
| Hansen, Herbert     | Hart, Nick                 | Herman, Keith       | Holley, Sylvia          |

Holt, David  
 Kelley, Robert  
 Leishman, Peter  
 Lozeau, Donnalee  
 MacGillivray, Jeffrey  
 McCarthy, William  
 Mercer, Robert  
 O'Hearn, Jane  
 Reidy, Frank  
 Thulander, O. Alan  
 White, Donald

Hunter, Bruce  
 Kurk, Neal  
 Leonard, Peter  
 Luebker, Bernard  
 MacIntyre, Doris  
 McCarty, Winston  
 Messier, Irene  
 Pepino, Leo  
 Riley, Frances  
 Vaillancourt, Steve  
 Williams, Carol

Jean, Claudette  
 L'Heureux, Robert  
 Lessard, Rudy  
 Lynde, Harold  
 Marcinkowski, Michael  
 McGough, Tim  
 Murch, George  
 Perkins, Paul  
 Sargent, Maxwell  
 Welch, Donald  
 Wright, George

Jean, Loren  
 Lefebvre, Roland  
 Letendre, Evelyn  
 MacAuslan, Rita  
 Martin, Mary  
 Melcher, Harold  
 Murphy, Robert  
 Piteri, Dawn  
 Searles, Stanley, Sr.  
 Wheeler, Robert

## MERRIMACK

Adams, Stephen  
 Colburn, Kathleen  
 DeStefano, Stephen  
 French, Barbara  
 Hoadley, Elizabeth  
 Larrabee, David  
 Maxfield, Roy  
 Reardon, Tara  
 Wallin, Jean  
 Yeaton, Charles

Anderson, Eric  
 Colburn, Thomas  
 Dunn, Miriam  
 Gile, Mary  
 Jacobson, Alf  
 Leber, William  
 Moore, Carol  
 Rogers, Katherine  
 Wallner, Mary Jane

Brown, Mary  
 Crosby, Toni  
 Feuerstein, Martin  
 Hager, Elizabeth  
 Krueger, Patricia  
 Lockwood, Robert  
 Nichols, Avis  
 Seldin, Gloria  
 Whalley, Michael

Chandler, Earle  
 Daneault, Gabriel  
 Fraser, Marilyn  
 Hess, David  
 Lamach, Bernard  
 Marshall, Kenneth  
 Owen, Derek  
 St. Cyr, Gerard  
 Whittemore, James

## ROCKINGHAM

Abbott, Dennis  
 Belanger, Ronald  
 Carson, Gregory  
 Clark, Martha  
 Dodge, Robert  
 Downing, Michael  
 Fesh, Robert  
 Frechette, Joseph  
 Heath, John  
 Kane, Cecelia  
 Klemm, Arthur, Jr.  
 Letourneau, Robert  
 McCarthy, John, Jr.  
 Moore, Benjamin  
 O'Keefe, Patricia  
 Reardon, Neil  
 Smith, Kevin  
 Varrell, Thomas

Aranda, M. Kathryn  
 Bishop, Franklin  
 Case, Margaret  
 Cooney, Richard  
 Dolan, Richard  
 Dube, LeRoy  
 Flanagan, Natalie  
 Gibbons, Paul  
 Henderson, Warren  
 Katsakiores, George  
 Kobel, Rudolph  
 Lovejoy, Marian  
 McGovern, Cynthia  
 Norelli, Terie  
 Packard, Sherman  
 Rubin, George  
 Stickney, Nancy  
 Welch, David

Arndt, Janet  
 Blanchard, MaryAnn  
 Cegelis, Mark  
 Cote, Patricia  
 Dowd, Sandra  
 Dunham, Vivian  
 Flanders, John, Sr.  
 Gleason, John  
 Hutchinson, Rebecca  
 Katsakiores, Phyllis  
 Langley, Jane  
 Major, Norman  
 McKinney, Betsy  
 Nowe, Ronald  
 Pantelakos, Laura  
 Schanda, Frank  
 Stone, Joseph  
 Weyler, Kenneth

Beaulieu, Jon  
 Camm, Kevin  
 Christie, Andrew, Jr.  
 Dearborn, Bruce  
 Dowling, Patricia  
 Felch, Charles, Sr.  
 Francoeur, Sheila  
 Griffin, Mary  
 Johnson, Robert  
 Kelley, Jane  
 Langone, John  
 Malcolm, Kenneth  
 Mikowski, Walter  
 Noyes, Richard  
 Raynowska, Bernard  
 Simmons, John Anthony  
 Stritch, C. Donald  
 Woods, Deborah

## STRAFFORD

Berube, Roger  
 Callaghan, Frank  
 Grassie, Anne  
 Knowles, William  
 Merritt, Deborah  
 Rollo, Michael  
 Taylor, Kathleen  
 Twardus, Joseph

Bickford, David  
 DeChane, Marlene  
 Hemon, Roland  
 Lundborn, Raymond  
 Musler, George  
 Snyder, Clair  
 Torr, Ann  
 Vincent, Francis

Brennan, William  
 Dunlap, Patricia  
 Kaen, Naida  
 McKinley, Robert  
 Pelletier, Arthur  
 Spear, Barbara  
 Torr, Franklin  
 Wall, Janet

Brown, George  
 Estabrook, Iris  
 Keans, Sandra  
 Merrill, Amanda  
 Rogers, Rose Marie  
 Sullivan, Henry  
 Tsiros, William

## SULLIVAN

Adler, Rudolf  
 Donovan, Thomas  
 Palmer, Lorraine

Allison, David  
 Kibbey, David  
 Schotanus, Merle

Burling, Peter  
 Leone, Richard  
 Wiggins, Celestine

Cloutier, John  
 Lindblade, Eric

**NAYS 25  
BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah

O'Connell, John

Robertson, Timothy

**COOS**

Horton, Lynn

**GRAFTON**

None

**HILLSBOROUGH**

Boutin, David  
Johnson, Lionel  
Turgeon, Roland

Clemons, Jane  
Kelly, Michael

D'Allesandro, Lou  
McDonald, James, Sr.

Healy, Daniel  
Milligan, Robert

**MERRIMACK**

Burney, Carol

**ROCKINGHAM**

Battles-Peirce, Marjorie  
Sabella, Norma

Coes, Betsy

Cushing, Robert

Guthrie, Joseph

**STRAFFORD**

Brown, Julie

Hilliard, Dana

Smith, Marjorie

Vachon, Dennis

**SULLIVAN**

Ferland, Brenda

Flint, Gordon

and the amendment was adopted.

Rep. Mirski declared a conflict of interest and did not participate.

Rep. Burling offered a floor amendment.

**Floor Amendment (1564h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to high school graduation examinations, school building aid, and establishing a committee to study school discipline and manifest educational hardship.

Amend the bill by replacing all after the enacting clause with the following:

1 Failure to Meet Time Frames; Hearings Relative to Failure to be Renominated or Reelected.

Amend RSA 189:14-a, I(b) to read as follows:

(b) Any such teacher who has taught for 3 consecutive years or more in the same school district and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of ~~said~~ **such** request, shall provide for a hearing on the request to be held within ~~[15]~~ **30** days. The school board shall issue its decision ~~to the teacher~~ in writing **by certified mail** within ~~[15]~~ **30** days of the close of the hearing.

2 Failure to Meet Time Frames; Review by State Board. Amend RSA 189:14-b to read as follows:

189:14-b Review by State Board. A teacher aggrieved by such decision may request the state board of education for review thereof. Such request must be in writing and filed with the state board within 10 days after the ~~[issuance]~~ **receipt** of the decision to be reviewed. Upon receipt of such

request, the state board shall notify the school board of the request for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within ~~[15]~~ 60 days after the request for review is filed~~[, and]~~. The decision of the state board shall be final and binding upon both parties.

3 Statement of Purpose. The purpose of sections 4-7 of this act is to:

I. Identify, encourage, and provide recognition to students who excel academically by awarding them a New Hampshire certificate of advanced academic achievement.

II. Establish the high school graduation assessment as a widely accepted and meaningful indicator of educational achievement.

III. Develop and maintain the academic assessment in concert with the statewide education improvement and assessment program.

4 Advocates for Educationally Disabled to be Consulted. Amend the introductory paragraph of RSA 193-C:3 to read as follows:

There is established within the department of education a statewide education improvement and assessment program. The commissioner shall develop and implement this program in conjunction with the state board of education and the legislative oversight committee. In carrying out this program, the commissioner shall consult widely with educators at all levels, *representatives of educationally disabled pupils*, business people, government officials, community representatives, and parents.

5 New Section; High School Graduation Assessment Required. Amend RSA 193-C by inserting after section 6 the following new section:

193-C:6-a High School Graduation Assessment.

I. The high school graduation assessment shall measure what pupils know and are able to do in terms of high standards required for success in postsecondary education, the work place, and the community. The New Hampshire standards shall be comparable to the standards of the world's top performing nations.

II. High school graduation assessment results shall be reported at the individual pupil, school, and district levels in a manner consistent with that employed at the other 3 grades assessed. Performance levels shall be benchmarked, to the extent possible according to the achievement demonstrated by pupils from the world's top performing nations.

III. A New Hampshire certificate of advanced achievement shall be awarded to those otherwise qualifying for high school graduation who perform at the advanced level in each of the academic areas assessed.

IV. Notwithstanding any other provision of law, no public school, public academy, or charter school pupil shall be awarded a high school diploma by a local school board or board of trustees unless such pupil has taken the high school graduation assessment. In no case shall a pupil's level of performance on the high school graduation assessment be cause to deny a diploma to such pupil.

V. The high school graduation assessment shall be administered annually at state expense to all public school, public academy, and charter school twelfth grade pupils with suitable provision for taking a make-up assessment by pupils who are unavoidably absent. A pupil may take the high school graduation assessment at an earlier grade level when it is administered at his or her school if granted permission to do so by the school principal or administrator. A pupil who has graduated from a New Hampshire public secondary school, public academy, or charter secondary school and has not reached the age of 21 may take the high school graduation assessment when it is administered at any convenient location provided that he or she makes suitable arrangements with the principal or administrator of the school or academy in advance of taking the assessment.

VI. New Hampshire certificates of advanced academic achievement shall be signed by the governor and awarded to the pupil.

VII. Other than as specifically required in this section, the standards and benchmarks referenced in paragraphs I and II shall be used solely for the purpose of measuring achievement and shall in no way be construed to impose any requirements applying to any school district.

6 Pilot Program; High School Graduation Assessment. The high school graduation assessment shall be piloted during the school year beginning in 1999. The department of education shall determine the school districts in which the pilot assessment shall be administered.

7 Statewide Implementation; High School Graduation Assessment. Annual statewide administration of the high school graduation assessment shall be implemented during the school year beginning in 2000.

8 Statement of Purpose. It is the purpose of section 9 of this act that the legislature encourage year round schooling.

9 School Building Aid. Amend RSA 198:15-b, I to read as follows:

I.(a) The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be a sum equal to 30 percent of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district or receiving district, heretofore or hereafter incurred, for the cost of construction or purchase of school buildings and school administrative unit facilities, to the extent approved by the state board of education, provided that any school district may receive an annual grant in the amount of 40 percent for the construction of an educational administration building for school administrative unit, and provided that the amount of the annual grant in the case of a cooperative school district, or a receiving district operating an area school, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each sending district in excess of one, and provided further that no cooperative school district, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent.

*(b) For any district, the added cost of renovating equipment necessary for air conditioning, to make new or existing buildings suitable and used for year round schooling shall be entitled to aid at 75 percent of the cost of such renovations for so long as the district maintains a year round school program in the building receiving aid. Fifty percent of the aid shall be reimbursed if a town abandons year round schooling within 5 years of the first year of receipt of such aid.*

10 Application. Section 9 of this act shall apply only to school building aid grants approved on or after July 1, 1997.

11 Committee Established.

I. There is established a committee to study issues relating to school discipline and manifest educational hardship.

II. The members of the committee shall be as follows:

(a) Three members of the senate, 2 of whom shall be members of the senate education committee, appointed by the president of the senate.

(b) Three members of the house, 2 of whom shall be members of the house education committee, appointed by the speaker of the house.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall examine issues relating to school discipline and manifest educational hardship.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. Four members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

12 Effective Date.

I. Sections 3 and 4 of this act shall take effect January 1, 1998.

II. Section 11 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1997.

### AMENDED ANALYSIS

This bill:

I. Establishes a high school graduation assessment program.

II. Revises the provisions relative to the amount of annual grants for school building aid.

III. Establishes a committee to study issues relating to school discipline and manifest educational hardship.

Rep. Nordgren spoke in favor

Reps. Alukonis and O'Hearn spoke against and yielded to questions.

Rep. Burling requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment.

**YEAS 154 NAYS 201****YEAS 154****BELKNAP**

Salatiello, Thomas

**CARROLL**

Bradley, Jeb

**CHESHIRE**

Bonneau, Sarah  
 Doucette, Richard  
 Meader, David  
 Richardson, Barbara  
 Vogl, John

Burnham, Daniel  
 Lynch, Margaret  
 O'Connell, John  
 Riley, William

Champagne, Richard  
 Lynott, Margaret  
 Pratt, Irene  
 Robertson, Timothy

DePecol, Benjamin  
 McGuirk, Paul  
 Pratt, John  
 Russell, Ronald

**COOS**

Bradley, Paula  
 Mears, Edgar

Coulombe, Henry

Coulombe, Yvonne

Horton, Lynn

**GRAFTON**

Almy, Susan  
 LaMott, Paul

Below, Clifton  
 Lovett, Sidney

Copenhaver, Marion  
 Luker, Elsa

Guest, Robert  
 Nordgren, Sharon

**HILLSBOROUGH**

Allen, W. Gordon  
 Bernier, Shannon  
 D'Allesandro, Lou  
 Foster, Joseph  
 Ginsburg, Ruth  
 Hall, Betty  
 Kelly, Michael  
 MacAuslan, Rita  
 Melcher, Harold  
 Perkins, Paul  
 Welch, Donald

Ameen, W.  
 Cardin, Lori  
 Daigle, Robert  
 Foster, Linda  
 Gosselin, Gerald  
 Hart, Nick  
 Leishman, Peter  
 Martin, Mary  
 Messier, Irene  
 Reidy, Frank  
 Williams, Carol

Baroody, Benjamin  
 Clemons, Jane  
 Drabinowicz, A. Theresa  
 Franks, Suzan  
 Haettenschwiller, Alphonse  
 Jean, Claudette  
 Leonard, Peter  
 McCarthy, William  
 Murphy, Robert  
 Turgeon, Roland

Barry, William, III  
 Cole, Peter  
 Dwyer, Paul, Sr.  
 Gage, Ruth  
 Haley, Robert  
 Johnson, Lionel  
 Lynde, Harold  
 McDonald, James, Sr.  
 O'Rourke, Thomas  
 Vaillancourt, Steve

**MERRIMACK**

Burney, Carol  
 Dunn, Miriam  
 Hager, Elizabeth  
 Pfaff, Terence  
 St. Cyr, Gerard

Crosby, Toni  
 Fraser, Marilyn  
 Lockwood, Robert  
 Reardon, Tara  
 Wallin, Jean

Daneault, Gabriel  
 French, Barbara  
 Moore, Carol  
 Rogers, Katherine  
 Wallner, Mary Jane

DeStefano, Stephen  
 Gile, Mary  
 Owen, Derek  
 Seldin, Gloria  
 Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
 Coes, Betsy  
 Gibbons, Paul  
 Kelley, Jane  
 O'Keefe, Patricia  
 Stone, Joseph

Blanchard, MaryAnn  
 Cooney, Richard  
 Heath, John  
 Langone, John  
 Pantelakos, Laura

Christie, Andrew, Jr.  
 Cushing, Robert  
 Hutchinson, Rebecca  
 McGovern, Cynthia  
 Sabella, Norma

Clark, Martha  
 Downing, Michael  
 Kane, Cecelia  
 Norelli, Terie  
 Schanda, Frank

**STRAFFORD**

Berube, Roger  
 Brown, Julie  
 Estabrook, Iris

Bickford, David  
 Callaghan, Frank  
 Grassie, Anne

Brennan, William  
 DeChane, Marlene  
 Hemon, Roland

Brown, George  
 Dunlap, Patricia  
 Hilliard, Dana

Kaen, Naida  
Merrill, Amanda  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Keans, Sandra  
Merritt, Deborah  
Smith, Marjorie  
Twardus, Joseph

Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

Lundborn, Raymond  
Rogers, Rose Marie  
Sullivan, Henry  
Vincent, Francis

## SULLIVAN

Allison, David  
Ferland, Brenda  
Schotanus, Merle

Burling, Peter  
Flint, Gordon  
Wiggins, Celestine

Cloutier, John  
Leone, Richard

Donovan, Thomas  
Palmer, Lorraine

## NAYS 201

### BELKNAP

Bartlett, Gordon  
Hurt, George  
Rice, Thomas, Jr.

Boyce, Robert  
Lafam, Robert  
Turner, Robert

Clark, Charles  
Lawton, David  
Veazey, John

Holbrook, Robert  
Pilliod, James

## CARROLL

Babson, David, Jr.  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

## CHESHIRE

Hunt, John  
Royce, H. Charles

Manning, Joseph  
Smith, Edwin

McNamara, Wanda  
Steere, Myron, III

Metzger, Katherine

## COOS

Davis, Perley  
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

St. Hilaire, Paul

## GRAFTON

Akins, Ralph  
Cobbin, Philip  
Ham, Bonnie  
Phinney, William  
Weber, Phil

Alger, John  
Connolly, Steven  
Hill, Richard  
Root, John  
Williams, William, Jr.

Brown, Channing  
Eaton, Stephanie  
Hinman, Harry  
Teschner, Douglass

Chase, Paul, Jr.  
Guaraldi, Lawrence  
MacNeil, Allen  
Trelfa, Richard

## HILLSBOROUGH

Alukonis, David  
Belvin, William  
Burke, M. Virginia  
Chabot, Robert  
Daniels, Gary  
Durham, Susan  
Ferguson, Charles  
Golding, William  
Herman, Keith  
Jean, Loren  
Lefebvre, Roland  
Luebker, Bernard  
McCarty, Winston  
Milligan, Robert  
Piteri, Dawn  
Thulander, O. Alan

Amidon, Eleanor  
Bergin, Peter  
Calawa, Leon, Jr.  
Christiansen, Lars  
Dawe, Eileen  
Dyer, Merton  
Fields, Dennis  
Goulet, Maurice  
Holley, Sylvia  
Kelley, Robert  
Lessard, Rudy  
MacGillivray, Jeffrey  
McGough, Tim  
Murch, George  
Riley, Frances  
Wheeler, Robert

Arnold, Thomas, Jr.  
Boutin, David  
Carlson, Donald  
Clay, Susan  
Desrosiers, William  
Emerton, Lawrence, Sr.  
Flora, Kathleen  
Hansen, Herbert  
Holt, David  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
O'Hearn, Jane  
Sargent, Maxwell  
White, Donald

Batula, Peter  
Brundige, Robert  
Carney, Lauren  
Clegg, Robert, Jr.  
Dokmo, Cynthia  
Fenton, James  
Gagnon, Eugene  
Healy, Daniel  
Hunter, Bruce  
L'Heureux, Robert  
Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
Pepino, Leo  
Searles, Stanley, Sr.  
Wright, George

**MERRIMACK**

|                    |                  |                    |                 |
|--------------------|------------------|--------------------|-----------------|
| Adams, Stephen     | Anderson, Eric   | Brown, Mary        | Chandler, Earle |
| Colburn, Kathleen  | Colburn, Thomas  | Feuerstein, Martin | Hess, David     |
| Hoadley, Elizabeth | Jacobson, Alf    | Krueger, Patricia  | Lamach, Bernard |
| Larrabee, David    | Leber, William   | Marshall, Kenneth  | Maxfield, Roy   |
| Nichols, Avis      | Whalley, Michael | Whittemore, James  |                 |

**ROCKINGHAM**

|                       |                     |                          |                    |
|-----------------------|---------------------|--------------------------|--------------------|
| Aranda, M. Kathryn    | Arndt, Janet        | Battles-Peirce, Marjorie | Beaulieu, Jon      |
| Belanger, Ronald      | Bishop, Franklin    | Camm, Kevin              | Carson, Gregory    |
| Case, Margaret        | Cegelis, Mark       | Cote, Patricia           | Dearborn, Bruce    |
| Dodge, Robert         | Dolan, Richard      | Dowd, Sandra             | Dowling, Patricia  |
| Dube, LeRoy           | Dunham, Vivian      | Felch, Charles, Sr.      | Fesh, Robert       |
| Flanagan, Natalie     | Flanders, John, Sr. | Francoeur, Sheila        | Frechette, Joseph  |
| Gleason, John         | Griffin, Mary       | Guthrie, Joseph          | Henderson, Warren  |
| Johnson, Robert       | Katsakiores, George | Katsakiores, Phyllis     | Klemm, Arthur, Jr. |
| Kobel, Rudolph        | Langley, Jane       | Letourneau, Robert       | Lovejoy, Marian    |
| Major, Norman         | Malcolm, Kenneth    | McCarthy, John, Jr.      | McKinney, Betsy    |
| Mikowski, Walter      | Moore, Benjamin     | Nowe, Ronald             | Noyes, Richard     |
| Packard, Sherman      | Raynowska, Bernard  | Reardon, Neil            | Rubin, George      |
| Simmons, John Anthony | Smith, Kevin        | Stickney, Nancy          | Stritch, C. Donald |
| Varrell, Thomas       | Welch, David        | Weyler, Kenneth          | Woods, Deborah     |

**STRAFFORD**

|                  |                 |                |           |
|------------------|-----------------|----------------|-----------|
| McKinley, Robert | Musler, George  | Spear, Barbara | Torr, Ann |
| Torr, Franklin   | Tsiros, William |                |           |

**SULLIVAN**

|               |               |                 |
|---------------|---------------|-----------------|
| Adler, Rudolf | Kibbey, David | Lindblade, Eric |
|---------------|---------------|-----------------|

and the floor amendment failed.

Rep. Mirski declared a conflict of interest and did not participate.

The question now being the adoption of the report.

Reps. Estabrook and Yeaton spoke against and yielded to questions.

Rep. Durham spoke in favor and yielded to questions.

Rep. Lozeau spoke in favor.

Rep. Belvin requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 191 NAYS 161****YEAS 191****BELKNAP**

|                   |                |                |                  |
|-------------------|----------------|----------------|------------------|
| Bartlett, Gordon  | Boyce, Robert  | Clark, Charles | Holbrook, Robert |
| Hurt, George      | Laflam, Robert | Lawton, David  | Pilliod, James   |
| Rice, Thomas, Jr. | Rosen, Ralph   | Veazey, John   |                  |

**CARROLL**

|                        |                    |                 |                |
|------------------------|--------------------|-----------------|----------------|
| Babson, David, Jr.     | Bradley, Jeb       | Chandler, Gene  | Cooper, Kipp   |
| Dickinson, Howard, Jr. | Foster, Robert     | Howard, Godfrey | Kenney, Joseph |
| Lyman, L. Randy        | MacDonald, Kenneth | Mock, Henry     | Patten, Betsey |

**CHESHIRE**

|                   |                 |                    |                    |
|-------------------|-----------------|--------------------|--------------------|
| Hunt, John        | Manning, Joseph | McNamara, Wanda    | Metzger, Katherine |
| Royce, H. Charles | Smith, Edwin    | Steere, Myron, III |                    |

**COOS**

Davis, Perley  
Tholl, John, Jr.

Merrill, Gerald

Pratt, Leighton

St. Hilaire, Paul

**GRAFTON**

Akins, Ralph  
Cobbin, Philip  
Ham, Bonnie  
Phinney, William  
Williams, William, Jr.

Alger, John  
Connolly, Steven  
Hill, Richard  
Root, John

Brown, Channing  
Eaton, Stephanie  
Hinman, Harry  
Trelfa, Richard

Chase, Paul, Jr.  
Guaraldi, Lawrence  
MacNeil, Allen  
Weber, Phil

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr.  
Christiansen, Lars  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Gagnon, Eugene  
Herman, Keith  
Jean, Loren  
Lefebvre, Roland  
Luebker, Bernard  
McCarty, Winston  
Milligan, Robert  
Riley, Frances  
Wheeler, Robert

Amidon, Eleanor  
Bergin, Peter  
Carlson, Donald  
Clay, Susan  
Desrosiers, William  
Fenton, James  
Golding, William  
Holley, Sylvia  
Kelley, Robert  
Lessard, Rudy  
MacGillivray, Jeffrey  
McGough, Tim  
Murch, George  
Sargent, Maxwell  
White, Donald

Arnold, Thomas, Jr.  
Brundige, Robert  
Carney, Lauren  
Clegg, Robert, Jr.  
Durham, Susan  
Fields, Dennis  
Goulet, Maurice  
Holt, David  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
O'Hearn, Jane  
Searles, Stanley, Sr.  
Wright, George

Batula, Peter  
Burke, M. Virginia  
Chabot, Robert  
Daniels, Gary  
Dyer, Merton  
Flora, Kathleen  
Hansen, Herbert  
Hunter, Bruce  
L'Heureux, Robert  
Lozeau, DonnaLee  
Marcinkowski, Michael  
Mercer, Robert  
Pepino, Leo  
Thulander, O. Alan

**MERRIMACK**

Adams, Stephen  
Colburn, Kathleen  
Hoadley, Elizabeth  
Larrabee, David  
Maxfield, Roy

Anderson, Eric  
Colburn, Thomas  
Jacobson, Alf  
Leber, William  
Nichols, Avis

Brown, Mary  
Feuerstein, Martin  
Krueger, Patricia  
Lockwood, Robert  
Whalley, Michael

Chandler, Earle  
Hess, David  
Lamach, Bernard  
Marshall, Kenneth  
Whittemore, James

**ROCKINGHAM**

Aranda, M. Kathryn  
Bishop, Franklin  
Cegelis, Mark  
Dowd, Sandra  
Felch, Charles, Sr.  
Frechette, Joseph  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Mikowski, Walter  
Packard, Sherman  
Simmons, John Anthony  
Varrell, Thomas

Arndt, Janet  
Camm, Kevin  
Cote, Patricia  
Dowling, Patricia  
Fesh, Robert  
Gleason, John  
Katsakiores, George  
Langley, Jane  
Malcolm, Kenneth  
Moore, Benjamin  
Raynowska, Bernard  
Smith, Kevin  
Welch, David

Beaulieu, Jon  
Carson, Gregory  
Dearborn, Bruce  
Dube, LeRoy  
Flanders, John, Sr.  
Griffin, Mary  
Katsakiores, Phyllis  
Letourneau, Robert  
McCarthy, John, Jr.  
Nowe, Ronald  
Reardon, Neil  
Stickney, Nancy  
Weyler, Kenneth

Belanger, Ronald  
Case, Margaret  
Dodge, Robert  
Dunham, Vivian  
Francoeur, Sheila  
Henderson, Warren  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McKinney, Betsy  
Noyes, Richard  
Rubin, George  
Stone, Joseph  
Woods, Deborah

**STRAFFORD**

McKinley, Robert  
Tsiros, William

Spear, Barbara

Torr, Ann

Torr, Franklin

**SULLIVAN**

Adler, Rudolf

Kibbey, David

Lindblade, Eric

## NAYS 161 BELKNAP

Salatiello, Thomas                      Turner, Robert

## CARROLL

Philbrick, Donald

## CHESHIRE

|                     |                 |                    |                   |
|---------------------|-----------------|--------------------|-------------------|
| Bonneau, Sarah      | Burnham, Daniel | Champagne, Richard | DePecol, Benjamin |
| Doucette, Richard   | Lynch, Margaret | Lynott, Margaret   | McGuirk, Paul     |
| Meador, David       | O'Connell, John | Pratt, Irene       | Pratt, John       |
| Richardson, Barbara | Riley, William  | Robertson, Timothy | Russell, Ronald   |
| Vogl, John          |                 |                    |                   |

## COOS

|                |                 |                  |              |
|----------------|-----------------|------------------|--------------|
| Bradley, Paula | Coulombe, Henry | Coulombe, Yvonne | Horton, Lynn |
| Mears, Edgar   | Moynihn, Wayne  |                  |              |

## GRAFTON

|              |                |                    |                  |
|--------------|----------------|--------------------|------------------|
| Almy, Susan  | Below, Clifton | Copenhaver, Marion | Guest, Robert    |
| LaMott, Paul | Lovett, Sidney | Luker, Elsa        | Nordgren, Sharon |

## HILLSBOROUGH

|                         |                            |                      |                     |
|-------------------------|----------------------------|----------------------|---------------------|
| Allen, W. Gordon        | Ameen, W.                  | Baroody, Benjamin    | Barry, William, III |
| Bernier, Shannon        | Boutin, David              | Cardin, Lori         | Clemons, Jane       |
| Cote, Peter             | D'Allesandro, Lou          | Daigle, Robert       | Dokmo, Cynthia      |
| Drabinowicz, A. Theresa | Dwyer, Paul, Sr.           | Ferguson, Charles    | Foster, Joseph      |
| Foster, Linda           | Franks, Suzan              | Gage, Ruth           | Ginsburg, Ruth      |
| Gosselin, Gerald        | Haettenschwiller, Alphonse | Haley, Robert        | Hall, Betty         |
| Hart, Nick              | Jean, Claudette            | Johnson, Lionel      | Kelly, Michael      |
| Leishman, Peter         | Leonard, Peter             | Lynde, Harold        | MacAuslan, Rita     |
| Martin, Mary            | McCarthy, William          | McDonald, James, Sr. | Melcher, Harold     |
| Messier, Irene          | Murphy, Robert             | O'Rourke, Thomas     | Perkins, Paul       |
| Reidy, Frank            | Turgeon, Roland            | Vaillancourt, Steve  | Welch, Donald       |
| Williams, Carol         |                            |                      |                     |

## MERRIMACK

|                  |                    |                   |                    |
|------------------|--------------------|-------------------|--------------------|
| Burney, Carol    | Crosby, Toni       | Daneault, Gabriel | DeStefano, Stephen |
| Dunn, Miriam     | Fraser, Marilyn    | French, Barbara   | Gile, Mary         |
| Hager, Elizabeth | Moore, Carol       | Owen, Derek       | Pfaff, Terence     |
| Reardon, Tara    | Rogers, Katherine  | Seldin, Gloria    | St. Cyr, Gerard    |
| Wallin, Jean     | Wallner, Mary Jane | Yeaton, Charles   |                    |

## ROCKINGHAM

|                   |                          |                    |                       |
|-------------------|--------------------------|--------------------|-----------------------|
| Abbott, Dennis    | Battles-Peirce, Marjorie | Blanchard, MaryAnn | Christie, Andrew, Jr. |
| Clark, Martha     | Coes, Betsy              | Cooney, Richard    | Cushing, Robert       |
| Downing, Michael  | Flanagan, Natalie        | Gibbons, Paul      | Guthrie, Joseph       |
| Heath, John       | Hutchinson, Rebecca      | Kane, Cecelia      | Kelley, Jane          |
| Langone, John     | McGovern, Cynthia        | Norelli, Terie     | O'Keefe, Patricia     |
| Pantelakos, Laura | Sabella, Norma           | Schanda, Frank     | Stritch, C. Donald    |

## STRAFFORD

|                  |                  |                   |                    |
|------------------|------------------|-------------------|--------------------|
| Berube, Roger    | Bickford, David  | Brennan, William  | Brown, George      |
| Brown, Julie     | Callaghan, Frank | DeChane, Marlene  | Dunlap, Patricia   |
| Estabrook, Iris  | Grassie, Anne    | Hemon, Roland     | Hilliard, Dana     |
| Kaen, Naida      | Keans, Sandra    | Knowles, William  | Lundborn, Raymond  |
| Merrill, Amanda  | Merritt, Deborah | Pelletier, Arthur | Rogers, Rose Marie |
| Rollo, Michael   | Smith, Marjorie  | Snyder, Clair     | Sullivan, Henry    |
| Taylor, Kathleen | Twardus, Joseph  | Vachon, Dennis    | Vincent, Francis   |
| Wall, Janet      |                  |                   |                    |

## SULLIVAN

Allison, David  
Ferland, Brenda  
Schotanus, Merle

Burling, Peter  
Flint, Gordon  
Wiggins, Celestine

Cloutier, John  
Leone, Richard

Donovan, Thomas  
Palmer, Lorraine

and the report was adopted.

Ordered to third reading.

Rep. Mirski declared a conflict of interest and did not participate.

## RECESS

## (Speaker Sytek in the Chair)

**SB 209-FN**, establishing a residential care pilot program and providing for the funding of such program. RE-REFER TO COMMITTEE

Rep. O. Alan Thulander for Finance: The passage of HB 32-A last session directed the Commissioner of Health and Human Services to formulate a plan dealing with long-term care needs. That plan has been completed, and the department intends to begin to implement its provisions in 1998 by funding a continuum of care. Although no commitments have been made, it is expected that residential care will be an important component. There was little disagreement in the committee about the value of residential care in providing services to our needy elderly population. However, the committee believes it is inappropriate to interject a pilot program into this comprehensive planning process at this time. Moreover, it would appear that any residential care facility in the proposed pilot project would violate its license; that a necessary request for a waiver from the federal government would take at least a year and probably wouldn't be granted; that implementation will result in a waiting list for people eligible for assistance; and finally that implementation of this program would require reassignment of HHS staff and resources from higher priority projects. In addition, there would be an Article 28-A violation to the extent that counties are required to participate financially in the proposed pilot project. The committee recommends re-referral of this bill as insurance in the unlikely event residential care is not included in the department's long-term care implementation plan. Vote 11-6.

Rep. Kurk spoke against.

The report failed

Rep. Kurk moved Ought to Pass with Amendment.

Reps. Emerton and Kurk offered a floor amendment.

**Floor Amendment (1565h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to a residential care services program.

Amend the bill by replacing all after section 1 with the following:

2 Residential Care Services Program. The commissioner of the department of health and human services shall forthwith request an amendment to the Home and Community Based Care waiver for the Elderly and Chronically Ill to create a program for residential care services. If the waiver is approved, the commissioner may establish a program for residential care services. If the commissioner establishes the program, the commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of the program.

3 Effective Date. This act shall take effect July 1, 1997.

**AMENDED ANALYSIS**

This bill requires the commissioner of health and human services to request an amendment to the Home and Community Based Care waiver for the Elderly and Chronically Ill to create a program for residential care services. Under this bill, if the waiver is approved, the commissioner may establish a residential care services program.

Reps. Kurk and Emerton spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**SB 216-FN-A**, relative to pari-mutuel racing and taxes on pari-mutuel pools. **OUGHT TO PASS**

## WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: SB 216 is designed to equalize and simplify the complex pari-mutuel tax system currently in place. It is also intended to provide a mechanism to provide more purse money for horse racing at Rockingham Park through a tax cut. As it came to the Finance Committee, SB 216 would have cost the state roughly \$2.5 million per year. The Finance Committee amendment lessens the impact to the state funds while maintaining the intent to simplify the tax system. Under the amendment, a tax rate for any type of racing (horse, harness or dog) would apply to all tracks. The amendment also provides money for purses by setting aside certain funds to supplement the existing purses that would otherwise have gone to the state through  $\frac{1}{2}$  of its share of "breakage," or the odd cents after distribution of prizes. Those funds are available to each of the 4 New Hampshire tracks for live racing. Revenue to the state will decrease by about \$650,000 in the coming fiscal year. The amendment removes telephone betting and account wagering because the committee felt that there was not enough information on these products to determine the fiscal impact. Vote 15-1.

**Amendment (1539h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Pari-Mutuel Pools. RSA 284:22 is repealed and reenacted to read as follows:

284:22 Pari-Mutuel Pools. During the calendar years of 1941-2009, a licensee under this chapter may sell pari-mutuel pools in accordance with this chapter and rules adopted by the commission. Pari-mutuel pools shall be sold within the enclosure of the racetrack where a licensed race or race meet is held or as provided in RSA 284:22-a, and not elsewhere.

I. The commission on all win, place, and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 26 percent of each dollar wagered in such pools and not more than 27 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live running horse races after written notice to the commission and, in the absence of written notice, at the rate of 26 percent of each dollar wagered in such pools. Except as provided in RSA 284:22-a, the amount of the purse at such tracks or race meets at which running horse races are conducted shall be 8-1/4 percent of each dollar wagered in all pari-mutuel pools, said 8-1/4 percent to be paid by the licensee out of the commission on such pools. In addition to the above commission,  $\frac{1}{2}$  of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee,  $\frac{1}{4}$  paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and  $\frac{1}{4}$  shall be paid to the pari-mutuel commission. The pari-mutuel commission shall distribute such breakage to the licensee which paid such breakage to supplement purses of live races conducted by the licensee at the location from which such breakage was paid. Each licensee shall pay the tax provided for in RSA 284:23.

II. The commission on all win, place, and show pari-mutuel pools at tracks or race meets at which harness horse races are conducted for public exhibition, including those conducted by agricultural fairs, shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 25 percent of each dollar wagered in such pools and not more than 26 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live harness horse racing after written notice to the commission and, in the absence of such written notice, at the rate of 25 percent of each dollar wagered in such pools. In addition to the above commission,  $\frac{1}{2}$  of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee,  $\frac{1}{4}$  paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and  $\frac{1}{4}$  shall be paid to the pari-mutuel commission. The pari-mutuel commission shall distribute such breakage to the licensee which paid such breakage to supplement purses of live races conducted by the licensee at the location from which such breakage was paid. Each licensee shall pay the tax provided for in RSA 284:23.

III. For the purposes set forth in this section, an "agricultural fair" means an association which provides for and pays premiums of \$5,000 or more, annually, as is determined by the commissioner of agriculture, markets, and food, in accordance with RSA 284:25.

IV. The commission on all win, place, and show pari-mutuel pools at tracks or race meets at which dog races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools; and the commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 26 percent of each dollar wagered in such pools and not more than 27 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live dog racing after written notice to the commission and, in the absence of such written notice, at the rate of 26 percent of each dollar wagered in such pools. In addition to the above commission,  $\frac{1}{2}$  of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee,  $\frac{1}{4}$  paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and  $\frac{1}{4}$  shall be paid to the pari-mutuel commission. The pari-mutuel commission shall distribute such breakage to the licensee which paid such breakage to supplement purses of live races conducted by the licensee at the location from which such breakage was paid. Each licensee shall pay the tax provided for in RSA 284:23.

2 Tax. RSA 284:23 is repealed and reenacted to read as follows:  
284:23 Tax.

I.(a) Each person, association or corporation licensed to conduct a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to 1-1/4 percent of the total contributions to all pari-mutuel pools conducted, made, or sold at any such race or meet licensed under this chapter. The amounts so paid to the state treasurer shall be for the use of the state.

(b) Each person, association, or corporation licensed to simulcast a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to 1-1/2 percent of the total contributions to all such pari-mutuel pools conducted, made, or sold at such simulcast race or simulcast race meet by such person, association, or corporation licensed to simulcast such races. The amount so paid to the state treasurer shall be for the use of the state.

II.(a) Each person, association, or corporation licensed to conduct a harness horse race or harness horse race meet under this chapter shall pay to the state treasurer a sum of money equal to 1-1/4 percent of all total contributions to all pari-mutuel pools in a calendar day. The amount so paid to the state treasurer shall be for the use of the state.

(b) Each person, association, or corporation licensed to simulcast a harness horse race or simulcast a harness horse race meet under this chapter shall pay to the state treasurer a sum of money equal to 1-1/2 percent of the total contributions to all such pari-mutuel pools conducted, made, or sold at such simulcast race or race meet by such person, association, or corporation licensed to simulcast such races. The amount so paid to the state treasurer shall be for the use of the state.

III.(a) Each person, association, or corporation licensed to conduct a dog race or a dog race meet under this chapter shall pay to the state treasurer a sum of money equal to 2-1/4 percent of so much of the total contributions to all pari-mutuel pools conducted, made, or sold at any dog race or dog race meet licensed under this chapter. The amount so paid to the state treasurer shall be for the use of the state.

(b) Each person, association or corporation licensed to simulcast a dog race or simulcast a dog race meet under this chapter shall pay to the state treasurer a sum of money equal to 2-1/2 percent of all pari-mutuel pools conducted, made, or sold at such simulcast race or simulcast race meet by such person, association, or corporation licensed under this chapter. The amount so paid to the state treasurer shall be for the use of the state.

IV. Each person, association, or corporation licensed to conduct a race or race meet under this chapter shall also pay to the city or town treasurer in which the racing plant is located for each day of racing, whether such day includes live racing only, simulcast racing only, or a combination thereof, the fees assessed in subparagraphs (a) and (b) below, based upon the aggregate pari-mutuel pools conducted, made, or sold by such person, association, or corporation on each such day. This rate is provided if said person, association, or corporation has a license to conduct races or race meets for more than 10 days during the year for which the license is issued. If said person, association, or corporation has a license to conduct races or race meets for 10 days or less, the per diem fee shall be determined by the commission.

## (a) Each Weekday including Saturday

| Pari-mutuel pool  | Fee            |
|-------------------|----------------|
| Under \$300,000   | \$ 300 per day |
| \$300,000 or more | \$ 350 per day |

## (b) Each Sunday

| Pari-mutuel pool              | Fee             |
|-------------------------------|-----------------|
| Under \$350,000               | \$ 400 per day  |
| \$350,000 but under \$500,000 | \$ 800 per day  |
| \$500,000 or more             | \$1,200 per day |

V. The tax rates established by paragraphs I and II of this section shall remain in effect only until the bonds obtained by any entity for reconstruction of Rockingham Park have been paid off, unless such bonds are refinanced by the entity which owns Rockingham Park, and in such latter event, until such refinancing is paid off, but in no event later than December 31, 2009.

VI. During each calendar year, by March 31, each licensee shall make a report to the commission with regard to such licensee's efforts to enhance live racing at such licensee's race track. Such report shall include, but not be limited to, licensee's enhancement of purses, capital improvements, promotion, advertising, and other activities determined by the licensee to enhance live racing. The report shall be in writing and shall be in sufficient detail as determined by the commission. The report shall be distributed to the commission and each member of the fiscal committee.

VII. For the purposes of this chapter, "racing program" means live racing with any number of individual races as determined by the pari-mutuel commission. A live race or racing program may include a combined live and simulcast race where the combination contains at least one more live race to simulcast in the same combination. Any such live racing program or combined racing program upon which a separate tax is paid may constitute a live racing performance day.

## 3 Repeal. The following are repealed:

I. 1989, 219:2, relative to a prospective amendment to RSA 284:22, IV which would have been effective July 1, 1998, at 12:01 a.m. pursuant to 1989, 219:9, I as amended by 1992, 185:5.

II. 1989, 219:5, relative to a prospective amendment to RSA 284:23, II-a which would have been effective July 1, 1998, at 12:01 a.m. pursuant to 1989, 219:9, I as amended by 1992, 185:5.

III. 1993, 358:85, relative to a prospective amendment to RSA 284:22, IV which would have been effective July 1, 1998 at 12:01 a.m.

IV. 1995, 224:2, relative to a prospective amendment to RSA 284:23, V which would have been effective July 1, 1997, pursuant to 1995, 224:3, I as amended by 1996, 201:9.

4 Effective Date. This act shall take effect July 1, 1997.

## AMENDED ANALYSIS

This bill:

I. Revises the commission structure on pari-mutuel pools and the tax on contributions to pari-mutuel pools. The new structure of the tax lowers and standardizes the overall rate of tax for running horse races, harness horse races, and dog races.

II. Repeals a number of prospective amendments to the tax and commission structure which are no longer appropriate in light of this bill.

Adopted.

Report adopted and ordered to third reading.

**SB 93**, relative to employees of employers who hire recipients of state assistance under the employment assistance program. **OUGHT TO PASS WITH AMENDMENT**

Rep. W. Gordon Allen for Finance: The only fiscal impact of this bill is the provision (Section 1, IV) for participants in subsidized employment programs to be considered state employees for the purpose of workers' compensation even though they are on the payroll of private employers. Because the estimate of these workers' compensation costs to the state was "significant" but "undetermined" and that no costs were budgeted, the bill was amended to eliminate this provision. Vote 20-0.

## Amendment (1542h)

Amend RSA 167:82-a as inserted by section 1 of the bill by deleting paragraph IV.

## AMENDED ANALYSIS

This bill prohibits the New Hampshire employment program or the alternative employment experience program from using participants in any way contrary to certain federal laws.

This bill prohibits requiring a participant to work under certain subsidized employment conditions or for more than a certain number of hours and requires that participants be afforded certain employment protections.

Rep. Kurk spoke against.

The amendment failed.

Reps. Daniels and Kurk offered a floor amendment.

## Floor Amendment (1569h)

Amend RSA 167:82-a as inserted by section 1 of the bill by deleting paragraph IV.

Amend RSA 167:91-a as inserted by section 2 of the bill by inserting after paragraph III the following:

IV. Participants in the alternative employment experience program administered by the state shall be considered employees of the state for workers' compensation purposes only, and any claims for workers' compensation thereunder shall be charged to the temporary assistance to needy families program.

## AMENDED ANALYSIS

This bill prohibits the New Hampshire employment program or the alternative employment experience program from using participants in any way contrary to certain federal laws.

This bill prohibits requiring a participant to work under certain subsidized employment conditions or for more than a certain number of hours and requires that participants be afforded certain employment protections.

This bill also requires that participants in the alternative employment experience program shall be considered state employees for workers' compensation purposes only.

Re. Kurk spoke in favor.

Adopted.

Report adopted and ordered to third reading.

## REVENUE ESTIMATES

## REMOVED FROM THE TABLE

Rep. Weyler moved that **HR 19**, affirming unrestricted revenue estimates for fiscal years 1998 and 1999, be removed from the table.

Adopted.

## Floor Amendment (1577h)

Amend the resolution by replacing all after the title with the following:

Whereas, the House Finance Committee has considered what the unrestricted revenue estimates should be for fiscal years 1998 and 1999 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 1998 and 1999 and also takes note of the following revenue figures presented here for fiscal years 1996 and 1997:

Committee estimates are based on current rates.

|                          | (A)     | (B)      | (C)       | (D)      | (E)       | (F)       |
|--------------------------|---------|----------|-----------|----------|-----------|-----------|
|                          | FY 1996 | -----    | FY 1997   | -----    | FY 1998   | FY 1999   |
| GENERAL FUNDS:           |         | Official | Committee |          | Committee | Committee |
| (Dollars in Millions)    | Actual  | Estimate | Estimate  | Variance | Estimate  | Estimate  |
| Business Profits Tax     | 152.683 | 150.619  | 177.600   | 26.981   | 185.550   | 200.450   |
| Business Enterprise Tax  | 24.969  | 45.300   | 39.000    | (6.300)  | 34.600    | 36.100    |
| Meals & Rooms Tax        | 113.369 | 124.000  | 118.000   | (6.000)  | 122.700   | 129.600   |
| Liquor Sales             | 65.971  | 67.500   | 68.683    | 1.183    | 70.700    | 73.200    |
| Interest & Dividends Tax | 51.878  | 44.350   | 48.000    | 3.650    | 50.250    | 52.500    |

|                            |                |                |                |               |                |                |
|----------------------------|----------------|----------------|----------------|---------------|----------------|----------------|
| Insurance Tax              | 50.488         | 57.820         | 56.500         | (1.320)       | 54.400         | 56.600         |
| Tobacco Tax                | 44.537         | 47.000         | 52.400         | 5.400         | 87.100         | 88.200         |
| Other                      | 42.467         | 45.425         | 40.000         | (5.425)       | 40.000         | 40.000         |
| Communications Tax         | 35.519         | 35.700         | 37.000         | 1.300         | 39.000         | 41.000         |
| Estate & Legacy Tax        | 33.270         | 36.000         | 41.000         | 5.000         | 37.400         | 37.700         |
| Real Estate Transfer Tax   | 30.192         | 34.000         | 32.500         | (1.500)       | 33.000         | 33.625         |
| Court Fines & Fees         | 18.914         | 19.500         | 19.000         | (0.500)       | 19.000         | 19.000         |
| Utility Tax                | 17.488         | 19.000         | 18.000         | (1.000)       | 18.000         | 18.000         |
| Securities Revenue         | 15.622         | 14.000         | 16.500         | 2.500         | 16.800         | 17.300         |
| Board & Care Revenue       | 13.628         | 13.700         | 14.300         | 0.600         | 14.300         | 15.400         |
| Beer Tax                   | 11.113         | 11.250         | 11.100         | (0.150)       | 11.100         | 11.100         |
| Horse Racing               | 3.032          | 3.100          | 2.800          | (0.300)       | 2.800          | 2.800          |
| Dog Racing                 | 2.166          | 2.800          | 2.000          | (0.800)       | 2.000          | 2.000          |
| <b>TOTAL STATE SOURCES</b> | <b>727.306</b> | <b>771.064</b> | <b>794.383</b> | <b>23.319</b> | <b>838.700</b> | <b>874.575</b> |

**MEDICAID ENHANCEMENTS:**

|                                    |                |                |               |                |               |               |
|------------------------------------|----------------|----------------|---------------|----------------|---------------|---------------|
| Board and Care                     | 45.620         | 47.409         | 47.409        | -              | 25.000        | 25.000        |
| Uncompensated Care Pool            | 79.173         | 59.500         | 49.770        | (9.730)        | 49.770        | 49.770        |
| <b>Total Medicaid Enhancements</b> | <b>124.793</b> | <b>106.909</b> | <b>97.179</b> | <b>(9.730)</b> | <b>74.770</b> | <b>74.770</b> |

|                                |                |                |                |               |                |                |
|--------------------------------|----------------|----------------|----------------|---------------|----------------|----------------|
| <b>TOTAL GENERAL FUND</b>      | <b>852.099</b> | <b>877.973</b> | <b>891.562</b> | <b>13.589</b> | <b>913.470</b> | <b>949.345</b> |
| HHS-Third Party Reimbursements | -              | 20.000         | 20.000         |               | 10.000         | 10.000         |

**HIGHWAY FUNDS:**

(Dollars in Millions)

|                            |                |                |                |               |                |                |
|----------------------------|----------------|----------------|----------------|---------------|----------------|----------------|
| Gasoline Road Toll         | 107.025        | 104.450        | 110.000        | 5.550         | 113.300        | 116.700        |
| Motor Vehicle Fees         | 60.174         | 57.724         | 61.800         | 4.076         | 63.650         | 65.500         |
| Miscellaneous              | 10.709         | 6.741          | 11.000         | 4.259         | 11.300         | 11.600         |
| <b>TOTAL HIGHWAY FUNDS</b> | <b>177.908</b> | <b>168.915</b> | <b>182.800</b> | <b>13.885</b> | <b>188.250</b> | <b>193.800</b> |

**FISH & GAME FUNDS:**

(Dollars in Millions)

|                                    |              |              |              |                |              |              |
|------------------------------------|--------------|--------------|--------------|----------------|--------------|--------------|
| Fish & Game Licenses               | 5.994        | 6.374        | 6.300        | (0.074)        | 6.300        | 6.300        |
| Miscellaneous                      | 0.775        | 0.738        | 0.600        | (0.138)        | 0.600        | 0.600        |
| <b>TOTAL FISH &amp; GAME FUNDS</b> | <b>6.769</b> | <b>7.112</b> | <b>6.900</b> | <b>(0.212)</b> | <b>6.900</b> | <b>6.900</b> |

Rep. Weyler spoke in favor and yielded to questions.

Adopted.

**LAI D ON THE TABLE**Rep. Kurk moved that **HR 19**, affirming unrestricted revenue estimates for fiscal years 1998 and 1999, be laid on the table.

Adopted.

**CONFEREE CHANGE****HB 252**, relative to posting of bylaws in advance of any town election.

Rep. Almy replaced Rep. Buckley.

**RESOLUTION**

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, June 10, 1997 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**SB 155**, requiring the division of educational improvement, department of education, to prepare and adopt a plan for providing special education to inmates in the state prison system and county correctional facilities.

**SB 172**, making various changes to the workers' compensation law.

**SB 203**, deleting the state prison and adding county correctional facilities to the provisions relating to incarcerated educationally disabled children.

**SB 207**, relative to a digital signature act.

**SB 79**, prohibiting the sale of gift certificates containing an expiration date, relative to unclaimed and abandoned property, and relative to liens on personal property.

**SB 162-FN-A-L**, relative to the acquisition of a certain piece of property in Piermont, New Hampshire and making an appropriation therefor.

**SB 169-FN**, relative to a college tuition savings plan.

**SB 180**, relative to the maintenance, enhancement, and rehabilitation of local rural airport service and making an appropriation therefor.

**SB 202**, relative to the certification of teachers, high school graduation examinations and making an appropriation therefor, school building aid, and establishing a committee to study school discipline and manifest educational hardship.

**SB 209**, establishing a residential care pilot program and providing for the funding of such program.

**SB 216**, relative to pari-mutuel racing and taxes on pari-mutuel pools.

**SB 93**, relative to employees of employers who hire recipients of state assistance under the employment assistance program.

**UNANIMOUS CONSENT**

Rep. Burling addressed the House.

**RECESS MOTION**

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports, forming Committees of Conference and Senate Messages only.

Adopted.

The House recessed at 5:10 p.m.

**RECESS**

(Rep. Amanda Merrill in the Chair)

**SENATE MESSAGES****CONCURRENCE**

**HB 142**, relative to false residency forms and automobile insurance.

**HB 183**, relative to the state representative districts of towns.

**HB 265**, repealing certain rulemaking authority of the commissioner of transportation.

**HB 372**, relative to age requirements for assistant election officials.

**HB 413**, relative to the sale or transfer of airports by the state.

**HB 429**, charging the advisory council on unemployment compensation with the task of studying the issue of unemployment compensation as it relates to the contingent work force and low wage workers.

**HB 701**, granting a municipality alternatives to accepting a tax deed to the property when the property owner is tax delinquent.

**CONCURRENCE WITH AMENDMENTS**

**SB 105**, relative to rent collection upon delinquency in payment of common expenses by condominium unit owners.

**SB 155**, requiring the division of educational improvement, department of education, to prepare and adopt a plan for providing special education to inmates in the state prison system and county correctional facilities.

**SB 162-FN-A-L**, relative to the acquisition of a certain piece of property in Piermont, New Hampshire and making an appropriation therefor.

**SB 169-FN**, relative to a college tuition savings plan.

**SB 180**, relative to establishing a revolving fund for loans for the maintenance, enhancement, and rehabilitation of local rural airport service.

**SB 202**, relative to the certification and recertification of teachers, supervisors, and administrators, high school graduation examinations, school building aid, and establishing a committee to study school discipline and manifest educational hardship.

**SB 207**, relative to a digital signature act.

### RE-REFERRED

**HB 792-FN**, prohibiting trusts and other legal devices from being used to shelter wealth for the purposes of medicaid eligibility.

### NONCONCURS WITH AMENDMENTS

#### REQUESTS COMMITTEE OF CONFERENCE

**SB 21**, excepting persons who are 17 years old and graduated from high school from the youth employment law.

The President appointed Sens. Squires, Francoeur and Pignatelli.

Rep. McGovern moved that the House accede.

Adopted.

The Speaker appointed Reps. Daniels, Turner, Hutchinson and Clegg.

**SB 163**, relative to the Uniform Anatomical Gift Act.

The President appointed Sens. Gordon, Squires and Pignatelli.

Rep. Wheeler moved that the House accede.

Adopted.

The Speaker appointed Reps. Calvert, Batula, Boyce and Haettenschwiller.

#### ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

**HB 157**, requiring persons marketing small consumer loans by offering inducement checks to print a disclosure on the inducement checks.

The President appointed Sens. Fraser, Katherine Wheeler and Johnson.

**HB 340**, relative to the real estate commission and its licensing and bonding requirements.

The President appointed Sens. Patenaude, Roberge and John King.

**HB 447**, eliminating the grandfather clause for licensure of professional engineers.

The President appointed Sens. John King, Podles and Roberge.

**HB 453**, relative to the bank commissioner's regulation of sales finance companies and retail sellers.

The President appointed Sens. Fraser, Danaïs and Blaisdell.

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1998, and June 30, 1999. (Amendment printed SJ 2, 5/28/97)

Rep. Franklin Torr moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Kurk, Franklin Torr, Weyler, Dowling and Wallner. (Alternates: Reps. Wheeler, Vaughn, Alukonis and Nordgren)

**HB 2-FN-A**, relative to state fees, funds, revenues and expenditures. (Amendment printed SJ 21, 5/28/97)

Rep. Franklin Torr moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Kurk, Franklin Torr, Weyler, Dowling and Wallner. (Alternates: Wheeler, Vaughn, Alukonis and Nordgren)

**HB 25-A**, making appropriations for capital improvements and establishing a committee to study federal buildings and patients needs relative to the veterans' home. (Amendment printed SJ 21, 5/28/97)  
Rep. Franklin Torr moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Gene Chandler, Calawa, Katherine Rogers and Weyler. (Alternate: Rep. Schotanus)

**HB 110**, relative to the use of and school district liability for the use of district computer systems and networks. (Amendment printed SJ 21, 5/28/97)  
Rep. Wheeler moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Belvin, Luebker, Dearborn and Snyder.

**HB 289-L**, authorizing annual school district meetings to be held at multiple locations. (Amendment printed SJ 18, 5/15/97)  
Rep. Patten moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Durham, Marcinkowski, Larrabee and Yeaton.

**HB 318**, making technical changes to the provisions relating to school administrative units. (Amendment printed SJ 20, 5/22/97)  
Rep. Patten moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. O'Hearn, Luebker, Hill and William Riley.

**HB 352**, modifying the definitions of "agriculture" and "farming" for certain purposes and adding a definition of "short rotation tree fiber farming." (Amendment printed SJ 21, 5/28/97)  
Rep. McGovern moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Davis, Philbrick, Melcher and Leishman.

**HB 436-FN-L**, establishing restrictions in building aid for conversions of area schools to cooperative school districts, and relative to increasing or decreasing grades in cooperative school districts. (Amendment printed SJ 19, 5/20/97)  
Rep. Wheeler moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. O'Hearn, Henderson, Estabrook and Nichols.

**HB 478**, relative to workers' compensation compliance statements and making a technical correction. (Amendment printed SJ 21, 5/28/97)  
Rep. Patten moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Daniels, Guaraldi, Maxfield and Mears.

**HB 564-FN-A**, increasing the cigarette tax. (Amendment printed SJ 22, 5/29/97)  
Rep. Franklin Torr moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Weyler, Nichols, Channing Brown and Vaughn.

**HB 567**, relative to administration of vital records. (Amendment printed SJ 19, 5/20/97)  
Rep. Wheeler moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Emerton, Chabot, Morello and Copenhagen.

**HB 602-FN-A**, repealing the franchise tax on electrical utilities and replacing it with a tax on electricity consumption. (Amendment printed SJ 19, 5/20/97)  
Rep. Franklin Torr moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Alukonis, Nichols, Dowd and Vaughn.

**HB 746-FN**, relative to fees collected by the insurance department. (Amendment printed SJ 21, 5/28/97)

Rep. Wheeler moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Klemm, Mary Brown, Hunt and DeStefano.

**HB 781-FN**, relative to lucky 7 tickets and bingo games and requiring manufacturers and distributors of bingo supplies to be licensed. (Amendment printed SJ 18, 5/15/97)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Hess, Teschner, Pantelakos and Alukonis.

**HB 808**, changing the optional term of the school district clerk, moderator, and treasurer. (Amendment printed SJ 21, 5/28/97)

Rep. Wheeler moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Belvin, O'Hearn, Durham and Snyder.

### ENROLLED BILL AMENDMENTS

**HB 190**, relative to interstate banking and branching.

#### Amendment (0012-EBA)

Amend RSA 384:60-a, II as inserted by section 1 of the bill by replacing line 4 with the following: shall be chargeable to the out-of-state bank or out-of-state bank holding company examined and shall be

Amend RSA 384:60-b as inserted by section 1 of the bill by replacing line 3 with the following: agencies or bank regulatory agencies of other states to examine out-of-state offices of New Hampshire  
Adopted.

**HB 273-FN**, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age.

#### Amendment (0014-EBA)

Amend RSA 265:107-a, VI as inserted by section 4 of the bill by replacing line 4 with the following: section if the seat belt violation is for a person under 12 years of age.  
Adopted.

**HB 404**, establishing a committee to study providing universal catastrophic health coverage by establishing a statewide catastrophic risk pool.

#### Amendment (0013-EBA)

Amend line 1 of section 4 of the bill by replacing it with the following:  
4 Meeting; Quorum. The first meeting of the study committee shall be called by the first-  
Adopted.

**HB 448**, relative to the trust fund for the prevention of child abuse and neglect.

#### Amendment (0020-EBA)

Amend section 5 of the bill by replacing line 1 with the following:  
5 Board Membership Revised. Amend the section heading of RSA 169-C:39-d and RSA 169-C:39-  
Amend section 7 of the bill by replacing line 3 with the following:  
V. A grantee shall meet the criteria established for the fund for purposes of the evaluation  
Adopted.

**HB 662**, revising the laws relative to the use of dealer plates.

#### Amendment (0009-EBA)

Amend paragraph I of section 22 of the bill by replacing it with the following:  
I. Sections 2-4, 6, 10-14, 17, and 20-22 of this act shall take effect upon its passage.  
Adopted.

**HB 667**, relative to confidentiality issues concerning the exchange of information between the departments of revenue administration and employment security and relative to payment of employer contributions.

#### Amendment (0011-EBA)

Amend RSA 282-A:166, I(g) as inserted by section 4 of the bill by replacing lines 3-5 with the following:

~~each such violation shall constitute a separate and distinct offense]~~ *an offense as provided in paragraph II.*

Amend RSA 282-A:166-a as inserted by section 5 of the bill by replacing line 5 with the following:

other ~~[paragraphs]~~ *subparagraphs* of RSA 282-A:166, I, a penalty of not less than \$100 nor more than \$500 may be

Adopted.

**HB 771-FN-L**, relative to hazardous waste operator permit application costs, adding an exemption to the hazardous waste cleanup fund fee, increasing grant awards made pursuant to the used oil collection center program, and relative to the automotive oil fee.

#### Amendment (0021-EBA)

Amend the bill by replacing section 2 with the following:

2 Exemption From Fees Added. Amend RSA 147-B:9, II and III to read as follows:

II. Bottom boiler ash and flyash from incinerators which process solely municipal waste, as defined in rules adopted by the commissioner; ~~[and]~~

III. Hazardous wastes which are recycled and exempt from the fee under RSA 147-B:8, II[-]; *and*

*IV. Wastes resulting from the remediation of environmentally contaminated properties by persons who meet one of the following eligibility criteria:*

*(a) The person is not liable under RSA 147-B for any release or threatened release of a contaminant or contaminants at the property and is either:*

*(1) A prospective purchaser of environmentally contaminated property, or*

*(2) A person who holds a mortgage interest or other security interest in environmentally contaminated property, including a municipality with respect to property on which there are overdue real estate taxes due to the municipality.*

*(b) The person is a current owner of environmentally contaminated property, whose liability under RSA 147-B is based solely on the person's status as owner, who did not generate the hazardous waste which constitutes the contamination on the property, and who has not operated, managed, or controlled, either directly or indirectly, the hazardous waste facility on the property.*

Amend RSA 147-B:12, I as inserted by section 4 of the bill by replacing line 4 with the following:

147-A:11-b The department of environmental services may waive all or any portion of penalties or interest for good cause. All

Adopted.

**HB 744-FN**, relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval, and relative to the legal status of local river management advisory committees.

#### Amendment (0018-EBA)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval and authorizing the taking of water samples to determine their compliance with water quality requirements, and relative to the legal status of local river management advisory committees.

Adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 140, 277, 296, 315, 425, 539, 571, 598 and 650 and Senate Bill numbered 31.

Rep. Amidon for the Committee

**RECESS**

(Speaker Sytek in the Chair)

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 50-FN-A-L**, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor. (Amendment printed SJ 19, 5/20/97)

Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lozeau, Belvin, Dowd and Burling.

**HB 130**, clarifying the authority of county commissioners to arrange for work by prisoners. (Amendment printed SJ 21, 5/28/97)

Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Christie, David Welch, Mikowski and Knowles.

**HB 197-FN**, relative to the regulation of wetland scientists. (Amendment printed SJ 19, 5/20/97)

Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dyer, Klemm, Dickinson and Dunn.

**HB 417**, relative to ballot certification for political parties and choosing certain party candidates by caucus or convention. (Amendment printed SJ 21, 5/28/97)

Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Arndt, Langley, Root and Almy.

**HB 431**, relative to the appointment of attorneys and guardians ad litem, and eliminating certain de novo hearings under certain laws related to child protection. (Amendment printed SJ 20, 5/22/97)

Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. John McCarthy, Kevin Smith, Letendre and Wall.

**HB 527**, classifying smoke bombs as permissible fireworks. (Amendment printed SJ 21, 5/28/97)

Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunter, Mikowski, David Welch and Micklon.

**HB 554**, relative to damages in suits brought by administrators of an estate. (Amendment printed SJ 20, 5/22/97)

Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Clay, Woods, Bickford and Irene Pratt.

**HB 566-FN-A-L**, relative to the applicability of the property tax to electric plants and pipelines. (Amendment printed SJ 19, 5/20/97)

Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Teschner, Eaton, Carney and Burney.

**HB 582-FN**, relative to medicaid rate setting. (Amendment printed SJ 19, 5/20/97)  
Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Amidon, Emerton, Thulander and Copenhaver.

**HB 632**, abolishing the water well board and transferring its authority to the department of environmental services. (Amendment printed SJ 21, 5/28/97)  
Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Mercer, Dyer, Langer and Gile.

**HB 688-FN-A**, establishing a committee to study all investigations of the late John C. Fairbanks and other members of the legal profession. (Amendment printed SJ 19, 5/20/97)  
Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Jacobson, Mirski, Keans and Wall.

**HB 711**, relative to post-termination commissions. (Amendment printed SJ 20, 5/22/97)  
Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Woods, Mirski, Bickford and Wall.

**HB 723-FN-A**, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the health kids corporation to cover adults. (Amendment printed SJ 19, 5/20/97)  
Rep. Amanda Merrill moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Robert Foster, Calvert, Ann Torr and French.

**HB 773-FN**, relative to intentional interference with child custody and visitation. (Amendment printed SJ 19, 5/20/97)  
Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Woods, Letendre, Clay and Richardson.

**HB 811**, legalizing, ratifying, and confirming actions, votes, and proceedings of the annual meetings of the North Walpole village district and the town of Bartlett. (Amendment printed SJ 21, 5/28/97)  
Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Metzger, McGuirk, Patten and Anderson.

**HJR 1**, urging the preservation and continued development of community services to people with developmental disabilities and their families. (Amendment printed SJ 20, 5/22/97)  
Rep. Lozeau moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Robert Foster, Case, Dowling and Donovan.

## NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

**SB 18**, relative to the sale of certain items at flea markets.  
The President appointed Sens. Patenaude, McCarley and Roberge.  
Rep. Lozeau moved that the House accede.  
Adopted.  
The Speaker appointed Reps. Hunt, Herman, Crosby and Francoeur.

**SB 35**, including "accessibility life" within the definition of "elevator".

The President appointed Sens. John King, Roberge and Rubens.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Emerton, Guthrie, O'Keefe and Perkins.

**SB 36**, relative to incarcerated convicted persons receiving workers' compensation payments.

The President appointed Sens. Danaïs, Francoeur and Katherine Wheeler.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Daniels, Murch, McNamara and Donald Welch.

**SB 122**, establishing a commission to examine the effects of the managed care industry on those belonging to the disabled and the mental health communities.

The President appointed Sens. Squires, Francoeur and Hollingworth.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Fuller Clark, Carson and Herman.

**SB 149**, prohibiting state agencies managing federal programs from exceeding their statutory authority in placing restrictions on activities of the private sector.

The President appointed Sens. Podles, Frederick King and Larsen.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Mercer, Dickinson, Pilliod and Drabinowicz.

**SB 154**, relative to charter schools.

The President appointed Sens. Rubens, Johnson and John King.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Belvin, Weber, Dearborn and Champagne.

**SB 159-FN**, establishing a committee to study increased public access to data concerning physicians and persons certified or registered under RSA 330-A.

The President appointed Sens. Squires, Katherine Wheeler and Podles.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Ferguson, Amidon, Manning and O'Keefe.

**SB 182-FN**, relative to the administration, operation, and maintenance of the New Hampshire state veterans cemetery.

The President appointed Sens. Barnes, Blaisdell and Fraser.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Gene Chandler, Calawa, Klemm and Katherine Rogers.

**SB 183-FN**, relative to liquor licenses for sports/entertainment complex.

The President appointed Sens. Frederick King, Danaïs and Blaisdell.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Hess, Robert Kelley, Linda Foster and Klemm.

**SB 194**, relative to the age of child day care providers homes, and allowing school districts to transport school-age children between schools and before-and-after-school programs.

The President appointed Sens. David Wheeler, Squires and McCarley.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Woods, Kevin Smith, Clay and Marjorie Smith.

**SB 203**, deleting the state prison and adding county correctional facilities to the provisions relating to incarcerated educationally disabled children.

The President appointed Sens. Gordon, Frederick King and Larsen.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Durham, O'Hearn, Holbrook and William Riley.

## RECESS

(Rep. Gene Chandler in the Chair)

## SENATE MESSAGES

### NONCONCURS WITH AMENDMENTS

### REQUESTS COMMITTEE OF CONFERENCE

**SB 40**, relative to the payment of wages by employers.

The President appointed Sens. Francoeur, Roberge and Larsen.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Daniels, Clegg, Hutchinson and Turner.

**SB 79**, prohibiting the sale of gift certificates containing an expiration date, relative to unclaimed and abandoned property, and relative to liens on personal property.

The President appointed Sens. John King, Rubens and Francoeur.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Herman, Klemm and Russell.

**SB 94-L**, relative to the financing of the New Hampshire civic center commission.

The President appointed Sens. Barnes, Blaisdell and Johnson.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Tara Reardon, Carson and Herman.

**SB 172**, making various changes to the workers' compensation law.

The President appointed Sens. Danaïs, Francoeur and Blaisdell.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Daniels, Murch, Clegg and Jane Kelley.

**SB 209**, establishing a residential care pilot program and providing for the funding of such program.

The President appointed Sens. David Wheeler, Frederick King and McCarley.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Emerton, Batula, Allen and Thulander.

**SB 216**, relative to pari-mutuel racing and taxes on pari-mutuel pools.

The President appointed Sens. Frederick King, Blaisdell and Danaïs.

Rep. Lozeau moved that the House accede.

Adopted.

The Speaker appointed Reps. Hess, Kurk, Teschner and Vaughn.

## RECESS

(Speaker Sytek in the Chair)

## ENROLLED BILL AMENDMENT

**HB 186-FN**, relative to fees for number plates and reducing the amount of the inventory fund in the department of safety.

**Amendment (0022-EBA)**

Amend section 1 of the bill by replacing line 1 with the following:

1 Fee Increased; Inventory Fund Reduced. Amend RSA 228:25, I to read as follows:  
Adopted.

**SENATE MESSAGES****ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1998, and June 30, 1999.

The President appointed Sens. Blaisdell, Frederick King and Fraser. (Alternates: Sens. Barnes, Danais, Hollingworth and Delahunty)

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

The President appointed Sens. Frederick King, Blaisdell and Fraser. (Alternates: Sens. Barnes, Danais, Hollingworth and Delahunty)

**HB 25-A**, making appropriations for capital improvements and establishing a committee to study federal buildings and patients needs relative to the veterans' home.

The President appointed Sens. Gordon, Squires and John King.

**HB 50-FN-A-L**, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor.

The President appointed Sens. Rubens, Gordon and Larsen.

**HB 110**, relative to the use of and school district liability for the use of district computer systems and networks.

The President appointed Sens. Francoeur, Johnson and John King.

**HB 130**, clarifying the authority of county commissioners to arrange for work by prisoners.

The President appointed Sens. David Wheeler, Podles and Whipple.

**HB 197-FN**, relative to the regulation of wetland scientists.

The President appointed Sens. John King, Russman and Roberge.

**HB 201-L**, allowing municipalities to apply the amount of a property tax abatement refund to outstanding taxes owed by the taxpayer.

The President appointed Sens. Roberge, McCarley and Patenaude.

**HB 203**, relative to driving after a revocation or suspension of license.

The President appointed Sens. Pignatelli, Roberge and Squires.

**HB 289-L**, authorizing annual school district meetings to be held at multiple locations.

The President appointed Sens. Rubens, Francoeur and Whipple.

**HB 318**, making technical changes to the provisions relating to school administrative units.

The President appointed Sens. Rubens, Francoeur and McCarley.

**HB 344-L**, relative to planning board procedures on plats.

The President appointed Sens. Patenaude, Francoeur and McCarley.

**HB 352**, modifying the definitions of "agriculture" and "farming" for certain purposes and adding a definition of "short rotation tree fiber farming."

The President appointed Sens. Patenaude, Danais and Cohen.

**HB 417**, relative to ballot certification for political parties and choosing certain party candidates by caucus or convention.

The President appointed Sens. Roberge, Patenaude, and Katherine Wheeler.

**HB 430**, relative to registration of political committees and to political expenditures and contributions.

The President appointed Sens. Roberge, Patenaude and Katherine Wheeler.

**HB 431**, relative to the appointment of attorneys and guardians ad litem, and eliminating certain de novo hearings under certain laws related to child protection.

The President appointed Sens. Gordon, Podles and Cohen.

**HB 436-FN-L**, establishing restrictions in building aid for conversions of area schools to cooperative school districts, and relative to increasing or decreasing grades in cooperative school districts. The President appointed Sens. Gordon, Johnson and McCarley.

**HB 462-FN**, requiring the department of safety to inform persons under 21 years of age of the DWI laws.

The President appointed Sens. Pignatelli, Barnes and Roberge.

**HB 478**, relative to workers' compensation compliance statements and making a technical correction. The President appointed Sens. Danaïs, Francoeur and Katherine Wheeler.

**HB 502-L**, placing limitations on warrant articles at special meetings.

The President appointed Sens. Roberge, Whipple and Rubens.

**HB 527**, classifying smoke bombs as permissible fireworks.

The President appointed Sens. Whipple, Patenaude and Roberge.

**HB 534**, establishing a committee to study the New Hampshire highway and bridge infrastructure. The President appointed Sens. Russman, Whipple and Patenaude.

**HB 554**, relative to damages in suits brought by administrators of an estate.

The President appointed Sens. Podles, Cohen and Squires.

**HB 564-FN-A**, increasing the cigarette tax.

The President appointed Sens. Johnson, Pignatelli and Barnes.

**HB 566-FN-A-L**, relative to the applicability of the property tax to electric plants and pipelines.

The President appointed Sens. Frederick King, Hollingworth and Rubens.

**HB 567-FN-L**, relative to administration of vital records.

The President appointed Sens. Gordon, Francoeur and Larsen.

**HB 582-FN**, relative to medicaid rate setting.

The President appointed Sens. Fraser, Squires and Hollingworth.

**HB 602-FN-A**, repealing the franchise tax on electrical utilities and replacing it with a tax on electricity consumption.

The President appointed Sens. Frederick King, Rubens and Blaisdell.

**HB 632-L**, abolishing the water well board and transferring its authority to the department of environmental services.

The President appointed Sens. Larsen, Francoeur and Podles.

**HB 688-FN-A**, establishing a committee to study all investigations of the late John C. Fairbanks and other members of the legal profession.

The President appointed Sens. Francoeur, Roberge and Pignatelli.

**HB 711**, relative to post-termination commissions.

The President appointed Sens. Gordon, Squires and Pignatelli.

**HB 723-FN-A**, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover adults.

The President appointed Sens. Squires, Danaïs and McCarley.

**HB 735-FN**, adding certain conduct to that which constitutes aggravated felonious sexual assault and felonious sexual assault.

The President appointed Sens. Squires, Gordon and Cohen.

**HB 746-FN**, relative to fees collected by the insurance department.

The President appointed Sens. Danaïs, Fraser and Blaisdell.

**HB 773-FN**, relative to intentional interference with child custody and visitation.  
The President appointed Sens. David Wheeler, Podles and Larsen.

**HB 781-FN**, relative to lucky 7 tickets and bingo games and requiring manufacturers and distributors of bingo supplies to be licensed.  
The President appointed Sens. Frederick King, Blaisdell and Johnson.

**HB 806-FN-L**, relative to the business finance authority.  
The President appointed Sens. Rubens, John King and Patenaude.

**HB 808**, changing the optional term of the school district clerk, moderator, and treasurer.  
The President appointed Sens. Roberge, Rubens and Whipple.

**HB 811**, legalizing, ratifying, and confirming actions, votes, and proceedings of the annual meetings of the North Walpole village district and the town of Bartlett.  
The President appointed Sens. Whipple, Johnson and Roberge.

**HJR 1**, urging the preservation and continued development of community services to people with developmental disabilities and their families.  
The President appointed Sens. David Wheeler, Podles and Larsen.

### RECESS

(Rep. David Welch in the Chair)

### ENROLLED BILL AMENDMENTS

**SB 5**, relative to deposits and investments by trustees of town trust funds in credit unions and in mutual funds. (Amendment printed SJ 22, 5/29/97)  
Adopted.

**SB 41**, relative to the time for filing requests for a hearing with the department of labor concerning violations of the whistleblower protection act. (Amendment printed SJ 22, 5/29/97)  
Adopted.

### RECESS

(Rep. Lozeau in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 52, 129, 151, 210, 224, 226, 230, 421, 424, 445, 483, 596, 672, 695, 722, 770 and HJR 2 and Senate Bills numbered 17, 38, 49, 60, 72, 75, 98, 115, 129, 138, 176, 212 and SJR 2.  
Rep. Nowe the Committee

### CONFEREE CHANGES

**HB 344-L**, relative to planning board procedures on plats.  
Rep. Fesh replaced Rep. Rice

**HB 723**, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover adults.  
Rep. Franklin Torr replaced Rep. Ann Torr.

### RECESS

(Rep. Dyer in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 121 and 488 and Senate Bills numbered 47, 104 and 139.  
Rep. Nowe, Sen. Barnes for the Committee

## RECESS

(Rep. Franks in the Chair)

## ENROLLED BILL AMENDMENTS

**HB 261**, recodifying the insurance laws pertaining to hospital service corporations, medical service corporations, and nonprofit health service corporations (Blue Cross/Blue Shield)

**Amendment (0028-EBA)**

Amend RSA 420-A:5, II as inserted by section 1 of the bill by replacing lines 2 and 3 with the following:

described in subparagraph I(a) shall exceed the combined total of the number of directors described in subparagraphs I(b) and (c) and this paragraph.

Amend RSA 415:22, I as inserted by section 8 of the bill by replacing line 5 with the following: insured or subscriber or a newly born child of a dependent child of the insured or subscriber from the moment of birth.

Adopted.

**HB 370**, updating and making technical corrections in certain banking laws.

**Amendment (0025-EBA)**

Amend RSA 386-B:2-a, III as inserted by section 12 of the bill by replacing line 2 with the following:

accordance with the procedure of RSA 388. As part of the merger, the proprietary interests of the Adopted.

**HB 658-FN-A**, ensuring that the division of safety services, department of safety receives its ½ share of unrefunded tolls for boat motor fuels as required by law, and establishing a special fund therefor

**Amendment (0026-EBA)**

Amend the bill by replacing all after section 3 with the following:

4 Authorization for Contingent Renumbering. If any other act of the 1997 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1997 session laws.

5 Effective Date. This act shall take effect July 1, 1997.

Adopted.

## CONFEREES CHANGES

**HB 502**, placing limitations on warrant articles at special meetings.

Rep. Metzger replaced Rep. Lockwood. Rep. Fraser replaced Rep. McGuirk.

**SB 109**, relative to the official ballot voting option.

Rep. Metzger replaced Rep. Lockwood. Rep. Fraser replaced Rep. McGuirk.

**HB 746**, relative to fees collected by the insurance department.

Rep. Holbrook replaced Rep. Mary Brown.

**HB 806**, relative to the business finance authority.

Rep. Mercer replaced Rep. Carson.

**SB 18**, relative to the sale of certain items at flea markets.

Rep. Tara Reardon replaced Rep. Crosby.

**SB 36**, relative to incarcerated convicted persons receiving workers' compensation payments.

Rep. Turner replaced Rep. Murch.

**SB 172**, making various changes to the workers' compensation law.  
Rep. Turner replaced Rep. Murch.

**HB 1**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1998, and June 30, 1999.  
Rep. Alukonis replaced Rep. Wallner.

**HB 2**, relative to state fees, funds, revenues, and expenditures.  
Rep. Alukonis replaced Rep. Wallner.

**SENATE MESSAGE**  
**CONCURRENCE WITH AMENDMENT**

**SB 93**, relative to employees of employers who hire recipients of state assistance under the employment assistance program.

**RECESS**

**(Rep. Channing Brown in the Chair)**

Rep. Lozeau moved that the House adjourn.  
Adopted.

## HOUSE JOURNAL No. 23

Tuesday, June 10, 1997

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker Pro Tempore.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker Pro Tempore on the podium for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Larry E. Clouse, Pastor of the Merrimack Valley Baptist Church.

Our Father, thank you for the freedom we have here in America to begin this day in prayer. We thank You for these men and women who have given their time and talent to serve us. We ask that You will give them wisdom as they discuss and decide on the bills before them today. May each one be sensitive to what is best for our state. Give them courage to stand up for what is right, and if need be, to stand alone. Help them to discern not only between right and wrong, but between that which is good and that which is best. We know that some major decisions on the budget must be decided today. May each legislator remember they are stewards of another's finances, and help them to appropriate the finances where it will do the most for the most people. We thank You for our Governor and pray You will give her wisdom as she leads our state. We thank You for our state's history and heritage. Please help us to protect and provide for her greatness. All too quickly the hours of the day and the days of this year will be past. Help us to have the right priorities and use our time wisely. We commit to You these leaders for You to use this day. In Jesus's name we pray. Amen.

Rep. Yvonne Coulombe led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Burney, Drabinowicz, Feng, Hawkinson, Pantelakos and Paul Taylor, the day, illness.  
Reps. Burke, Crowell, Dearborn, Dolan, Gage, Hilliard, Holt, Laflam, Lavoie, Melcher, Millard, Frances Riley, Steere and Weatherspoon, the day, important business.  
Rep. Morrill, the day, illness in the family.

### INTRODUCTION OF GUESTS

The Hinsdale Elementary School 4<sup>th</sup> grade class, guests of Rep. Edwin Smith. Martha Teschner, Barbara Foote and Shirley Wingate, wife and guests of Rep. Teschner. Larisa Pisinski, guest of Rep. Amanda Merrill. Elizabeth Clouse, guests of Rep. Batula. Larry Scannel, guest of Rep. Burling. Jeff Franas and Heather Hicks, guests of Rep. Rollo.

### SPECIAL GUESTS

New Hampshire participants in the Granite State Senior Athletic Games, guests of the House.

### ENROLLED BILL AMENDMENTS

**SB 39**, relative to the delivery of bank products and services, and establishing a study committee on operation of electronic customer service terminals by non-banks and non-credit unions. (Amendment printed SJ 23, 6/10/97)  
Adopted.

**SB 116-FN**, relative to the regulation of rural electric cooperatives by the public utilities commission. (Amendment printed SJ 23, 6/10/97)  
Adopted.

**SB 135**, adopting the uniform "transfer on death" security registration act. (Amendment printed SJ 23, 6/10/97)  
Adopted.

**SB 162-FN-A-L**, relative to the acquisition of a certain piece of property in Piermont, New Hampshire and making an appropriation therefor. (Amendment printed SJ 23, 6/10/97)  
Adopted.

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 154, 181, 186, 188, 190, 225, 229, 243, 261, 262, 273, 327, 389, 404, 416, 429, 442, 448, 452, 468, 473, 528, 533, 572, 575, 638, 658, 662, 667, 677, 724, 744, 755, 765, 771 and HJR 6 and Senate Bills numbered 5, 12, 16, 19, 41, 54, 64, 70, 71, 101, 124, 143, 211 and 213

Rep. Pfaff, Sen. Barnes for the Committee

## CONSENT CALENDAR

### COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

Rep. Wheeler moved that the Consent Calendar of Senate Bills Committee of Conference Reports, with the relevant amendments as printed and distributed, be adopted.

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 4

The committee of conference to which was referred SB 4, An Act relative to patient information having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended.

Amend the bill by replacing all after section 12 with the following:

13 New Section; Patients' Bill of Rights. Amend RSA 415 by inserting after section 6-d the following new section:

415:6-e Patients' Bill of Rights. Any insurer issuing an individual policy under this chapter shall provide to each new policyholder who is a resident of this state a copy of the patients' bill of rights law under RSA 151:21.

14 New Paragraph; Patients' Bill of Rights. Amend RSA 415:18 by inserting after paragraph XIII the following new paragraph:

XIV. An insurer issuing policies of group or blanket insurance shall provide to each new certificate holder who is a resident of this state a copy of the patients' bill of rights law under RSA 151:21.

15 New Section: Hospital Service Corporations; Patients' Bill of Rights. Amend RSA 419 by inserting after section 5-f the following new section:

419:5-g Patients' Bill of Rights. All hospital service corporation and all other similar corporations licensed under the laws of another state shall provide to each new subscriber who is a resident of this state, a copy of the patients' bill of rights law under RSA 151:21.

16 New Section; Medical Service Corporations; Patients' Bill of Rights. Amend RSA 420 by inserting after section 5-g the following new section:

420:5-h Patients' Bill of Rights. All medical service corporations and every other similar corporation licensed under the laws of another state shall provide to each new certificate holder who is a resident of this state, a copy of the patients' bill of rights law under RSA 151:21.

17 New Section; Health Maintenance Organization; Patients' Bill of Rights. Amend RSA 420-B by inserting after section 8-j the following new section:

420-B:8-k Patients' Bill of Rights. All health maintenance organizations shall provide to each new subscriber who is a resident of this state, a copy of the patients' bill of rights law under RSA 151:21.

18 New Section; Patients' Bill of Rights. Amend RSA 420-A by inserting after section 16 the following new section:

420-A:16-a Patients' Bill of Rights. Every health service corporation and every other similar corporation licensed under the laws of another state shall provide to each new subscriber who is a resident of this state, a copy of the patients' bill of rights law under RSA 151:21.

19 Contingency. If HB 261 of the 1997 legislative session becomes law, section 18 of this act shall take effect January 1, 1998, at 12:01 a.m. If HB 261 of the 1997 legislative session does not become law, section 18 of this act shall not take effect.

20 Effective Date.

I. Section 18 of this act shall take effect as provided in section 19 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

Sections 4 and 12 of this bill declare that a person shall be fully informed of his or her medical condition, health care needs, and diagnostic test results. Sections 13-18 require health insurers to provide new subscribers with a copy of the patients' bill of rights. Section 11 of this bill makes a reference change.

The remainder of this bill amends certain RSA provisions making them gender neutral in accordance with RSA 17-A:6 relative to gender neutral drafting.

Conferees: Sens. Katherine Wheeler, Dist. 21; Squires, Dist. 12 and Danais, Dist. 26.

Conferees: Reps. Calvert, Belk. 5; Case, Rock. 2; Batula, Hills. 18 and French, Merr. 3

**COMMITTEE OF CONFERENCE REPORT ON SB 18**

The committee of conference to which was referred SB 18, An Act relative to the sale of certain items at flea markets having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 358-Q:1, II as inserted by section 1 of the bill by replacing it with the following:

II. No person shall sell, offer for sale, or permit the sale at any flea market of the following products:

(a) Infant formula.

(b) Food manufactured and packaged for sale and consumption by a child under 2 years of age, for which the expiration date has passed.

(c) Drugs, as defined in RSA 146:2, II(1) and (2); provided that this subparagraph shall not include durable medical equipment.

Conferees: Sens. Patenaude, Dist. 7; McCarley, Dist. 6 and Roberge, Dist. 9

Conferees: Reps. Hunt, Ches. 10; Herman, Hills. 13; Tara Reardon, Merr. 23 and Francoeur, Rock. 22

**COMMITTEE OF CONFERENCE REPORT ON SB 21**

The committee of conference to which was referred SB 21, An Act excepting persons who are 17 years old and graduated from high school from the youth employment law, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Squires, Dist. 12; Francoeur, Dist. 14 and Pignatelli, Dist. 13.

Conferees: Reps. Daniels, Hills. 13; Turner, Belk. 7; Hutchinson, Rock. 8 and Clegg, Hills. 23.

**COMMITTEE OF CONFERENCE REPORT ON SB 35**

The committee of conference to which was referred SB 35, An Act including "accessibility lift" within the definition of "elevator" having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. John King, Dist. 18; Roberge, Dist. 9 and Rubens, Dist. 5.

Conferees: Reps. Emerton, Hills. 7; Guthrie, Rock. 15; O'Keefe, Rock. 21 and Perkins, Hills. 5.

**COMMITTEE OF CONFERENCE ON SB 79**

The committee of conference to which was referred SB 79, An Act prohibiting the sale of gift certificates containing an expiration date, relative to unclaimed and abandoned property, and relative to liens on personal property having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 358-A:2, XIII as inserted by section 1 of the bill by replacing it with the following:

XIII. Selling gift certificates having a face value of less than \$100 to purchasers which contain expiration dates. Gift certificates having a face value of \$100 or more shall expire when escheated to the state as abandoned property pursuant to RSA 471-C. This paragraph shall not apply to gift certificates for which monetary consideration is not given or that are distributed to a consumer for promotional purposes. Nor shall this paragraph apply to season passes or coupons that are nonrefundable and nonredeemable.

Amend RSA 471-C:16 as inserted by section 3 of the bill by replacing it with the following:

471-C:16 Gift Certificates and Store Credits. Notwithstanding any law to the contrary, gift certificates under \$100, and store credits that were issued for store merchandise credit, regardless of when issued, shall not be property presumed abandoned and shall not be subject to RSA 471-C or any other past or present law. All gift certificates and store credits remitted to the state prior to January 1, 1998, and gift certificates and store credits that are properly determined to be reportable in any compliance audits initiated prior to the effective date of this section and subsequently remitted, shall remain in the custody of the state unless and until returned to the owner. This section shall not apply to season passes or coupons that are nonrefundable and nonredeemable.

### AMENDED ANALYSIS

This bill:

I. Prohibits gift certificates having a face value of less than \$100, sold to purchasers from containing enforceable expiration dates and provides that gift certificates with a face value of \$100 or more shall expire when escheated to the state as abandoned property.

II. Allows any person who repairs personal property items to have a lien on the property until charges for the repair have been paid. In the event the repair is unpaid after 60 days the holder of the lien may sell the property at public sale.

III. Provides that gift certificates under \$100 and store credits that were issued for store merchandise credit shall not escheat to the state.

Conferees: Sens. John King, Dist. 18; Rubens, Dist. 5 and Francoeur, Dist. 14.

Conferees: Reps. Hunt, Ches. 10; Herman, Hills 13; Klemm, Rock. 28 and Russell, Ches. 15

### COMMITTEE OF CONFERENCE REPORT ON SB 94-L

The committee of conference to which was referred SB 94-LOCAL, An Act relative to the financing of the New Hampshire civic center commission having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Barnes, Dist. 17; Blaisdell, Dist. 10 and Johnson, Dist. 3.

Conferees: Reps. Hunt, Ches. 10; Tara Reardon, Merr. 23; Carson, Rock. 29 and Herman, Hills 13.

### COMMITTEE OF CONFERENCE REPORT ON SB 122

The committee of conference to which was referred SB 122, An Act establishing a commission to examine the effects of the managed care industry on those belonging to the disabled and mental health communities having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to identify grievance procedures related to managed care.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall identify issues concerning grievance procedures as related to managed care, including but not limited to:

I. Procedural grievances.

II. Grievances related to determinations concerning experimental therapies.

III. Grievances related to determinations of medical necessity.

4 Meetings; Quorum. The first meeting of the study committee shall be called by the first-named senator. The first meeting shall be held within 30 days after the effective date of this section. Four members of the committee shall constitute a quorum.

5 The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library in an interim report on or before November 1, 1997, and in a final report on or before November 1, 1998.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to identify grievance procedures related to managed care.

Conferees: Sens. Squires, Dist. 12; Francoeur, Dist. 12 and Hollingworth, Dist. 23.

Conferees: Reps. Hunt, Ches. 10; Fuller Clark, Rock. 26; Carson, Rock. 29 and Herman, Hills. 13

#### COMMITTEE OF CONFERENCE REPORT ON SB 149

The committee of conference to which was referred SB 149, An Act prohibiting state agencies managing federal programs from exceeding their statutory authority in placing restrictions on activities of the private sector having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the introductory paragraph of RSA 124-B:1, I as inserted by section 1 of the bill by replacing it with the following:

I. A state agency, as defined in RSA 541-A:1, II, responsible for administering a federal program, shall not impose any requirements on private sector entities through the adoption or enforcement of administrative rules, or in any order, ruling, permit condition, contract condition, or provision of any grant, in addition to those requirements authorized under federal law or regulation unless:

#### AMENDED ANALYSIS

This bill requires that a state agency responsible for administering a federal program shall not impose any requirements on private sector entities through the adoption or enforcement of administrative rules, or certain other methods, that are in addition to those authorized under federal law or regulation except in certain circumstances.

The bill requires that upon request to any state agency administering a federal program, any private sector entity shall be provided with copies of the specific state or federal statutory provisions or federal regulatory provisions authorizing the adoption or enforcement of any rule or other requirement under this section.

Conferees: Sens. Podles, Dist. 16; Frederick King, Dist. 1 and Rubens, Dist. 5.

Conferees: Reps. Mercer, Hills 27; Dickinson, Carr. 2; Pilliod, Belk. 3 and Drabinowicz, Hills. 36.

#### COMMITTEE OF CONFERENCE REPORT ON SB 163

The committee of conference to which was referred SB 163, An Act relative to the Uniform Anatomical Gift Act having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 291-A:2, VI as inserted by section 1 of the bill by replacing it with the following:

VI. "Eye procurement technician" means an individual who has successfully completed a course of training, acceptable to a procurement organization, to remove or process eyes or parts of eyes, pursuant to RSA 325:31-a.

Amend RSA 291-A:3, IV as inserted by section 1 of the bill by replacing it with the following:

IV. A document of gift may designate a particular physician or surgeon to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the anatomical gift shall employ or authorize any physician, surgeon, or their designee, or eye procurement technician to carry out the appropriate procedures.

Amend RSA 291-A:4, IV as inserted by section 1 of the bill by replacing it with the following:

IV. An anatomical gift by a person authorized under paragraph I shall be revoked by any member of the same or a prior class if, before procedures have begun for the removal of a part from the body of the decedent, the physician, surgeon, or their designee, or eye procurement technician removing the part knows of the revocation.

Amend RSA 291-A:5, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) The removal will be by a physician, or surgeon, or their designee; but in the case of eyes, by one of them or by an eye procurement technician;

Amend RSA 291-A:5, II as inserted by section 1 of the bill by replacing it with the following:

II. If the body is not within the custody of the medical examiner, the funeral director shall release and permit the removal of any part from a body in the funeral director's custody, pursuant to RSA 291-A:4, I(h), for transplantation or therapy if the requirements of paragraph I are met.

Amend RSA 291-A:9, III as inserted by section 1 of the bill by replacing it with the following:

III. If there has been an anatomical gift, an appropriate physician or surgeon, or their designee, may remove any donated parts and an eye procurement technician may remove any donated eyes or parts of eyes, after determination of death by a physician or surgeon. If there has been an anatomical gift, the donated parts may be removed, after determination of death, by a person other than a physician or surgeon who attended the donor at death or determined the time of death.

Amend RSA 291-A:11, I as inserted by section 1 of the bill by replacing it with the following:

I. A person shall not knowingly, for valuable consideration, purchase or sell a part, if removal of the part occurs or is intended to occur after the death of the decedent.

Amend RSA 291-A:12, III as inserted by section 1 of the bill by replacing it with the following:

III. A hospital, physician, surgeon, medical examiner, funeral director, eye procurement technician, procurement organization, or person acting on behalf of one of the preceding, who acts in accordance with this chapter or with the applicable anatomical gift law of another state or attempts in good faith to do so, is not liable for that act in a civil action or criminal proceeding.

Amend the bill by replacing section 2 with the following:

2 Eye Procurement Technicians. RSA 325:31-a is repealed and reenacted to read as follows:

325:31-a Eye Procurement Technician Qualification. No person shall perform eye tissue removal or processing pursuant to RSA 291-A:3, IV unless such person has successfully completed a course of training acceptable to a procurement organization as defined in RSA 291-A:2, XI. The procurement organization shall have the power to establish qualifications and terms for the successful completion of the course of training.

Conferees: Sens. Gordon, Dist. 2; Squires, Dist. 12 and Pignatelli, Dist. 13.

Conferees: Reps. Calvert, Belk. 5; Batula, Hills. 18; Boyce, Belk. 5 and Haettenschwiller, Hills. 29.

## COMMITTEE OF CONFERENCE REPORT ON SB 182-FN

The committee of conference to which was referred SB 182-FN, An Act relative to the administration, operation, and maintenance of the New Hampshire state veterans cemetery having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended.

Amend the bill by replacing 6 with the following:

6 Appropriation: Adjutant General. The sum of \$165,500 for the fiscal year ending June 30, 1998, and the sum of \$224,000 for the fiscal year ending June 30, 1999, are appropriated to the adjutant general for operating costs of the state veterans cemetery. Of the total sum appropriated for fiscal year 1998, \$113,000 shall be from general funds and \$52,500 shall be from other funds. Of the total sum appropriated for fiscal year 1999, \$119,000 shall be from general funds and \$105,000 shall be from other funds. Operating costs for which these appropriations shall be expended shall

include full-time permanent and part-time temporary personnel, equipment, maintenance, and other expenses for startup of the state veterans cemetery. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

Conferees: Sens. Barnes, Dist. 17; Blaisdell, Dist. 10 and Fraser, Dist. 4

Conferees: Reps. Gene Chandler, Carr. 1; Calawa, Hills. 17; Klemm, Rock. 28 and Katherine Rogers, Merr. 2

### COMMITTEE OF CONFERENCE REPORT ON SB 189-FN-L

The committee of conference to which was referred SB 189-FN-LOCAL, An Act authorizing the department of safety to issue resident driver's licenses to certain aliens having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended: (see attached amendment)

Amend the bill by replacing all after the enacting clause with the following:

1 License for Aliens Temporarily Residing in the State. RSA 263:39-a is repealed and reenacted to read as follows:

263:39-a License for Aliens Temporarily Residing in New Hampshire.

I. The director may issue a New Hampshire driver's license to a nonresident alien who is living in New Hampshire on a temporary basis:

(a) For the purposes of attending a public or private educational institution which has a regular faculty, curriculum, and organized body of pupils or students in attendance and is enrolled in such education institution;

(b) For the purposes of engaging in lawful employment, occupational, or business activity, and is engaged in such activity; or

(c) Who is the spouse or child of an alien licensed under this section.

II. The director may require any of the following:

(a) Certification from the foreign government regarding the person's driving record and licensing status.

(b) Submission of social security number, or, if the person does not qualify for such a number, the submission of certification to that effect as is acceptable to the commissioner.

(c) Written or other testing.

(d) Proof of compliance with the conditions set forth in paragraph I.

(e) Proof of identification as may be acceptable to the commissioner.

III. The term of the license shall be no longer than 4 years from the date of issuance, and the director may set a lesser term in accordance with the length of the person's residence in New Hampshire.

IV. Nothing in this chapter shall preclude the director from denying a license if the director determines that licensure of the person may be contrary to the public safety. Once licensed, the individual shall be subject to the same provisions of the law as all other licensees. When the person no longer meets the conditions specified in paragraph I, the person shall forthwith return the license to the director and the license shall become invalid.

2 Effective Date. This act shall take effect July 1, 1997.

Conferees: Sens. Patenaude, Dist. 7; Whipple, Dist. 8 and Rubens, Dist. 5.

Conferees: Reps. John Flanders, Rock. 17; Malcolm, Rock. 22; Peter Cote, Hills. 32 and Veazey, Belk. 7.

### COMMITTEE OF CONFERENCE REPORT ON SB 194-FN-A

The committee of conference to which was referred SB 194-FN-A, An Act relative to the age of child day care providers homes, and allowing school districts to transport school-age children between schools and before-and-after-school programs having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. It is the intent of the state of New Hampshire to assist families in keeping school-age youth safe and out of trouble as their families move toward self-sufficiency by preventing inappropriate latchkey situations, and to encourage collaborative ventures between schools, churches, youth serving organizations, businesses, and the juvenile justice community and their families, whenever possible.

2 New Section; Transportation Between Schools and Before and After School Child Day Care Programs. Amend RSA 189 by inserting after section 6-a the following new section:

189:6-b Transportation Between Schools and Before-and-After-School Programs. To achieve maximum utilization of available before-and-after-school programs for school-age children, school districts shall be permitted to transport pupils between schools and legally-operating before-and-after-school programs upon the approval of the school district in the same manner as the school budget is adopted by that district. Such approval shall continue until revoked in the same manner.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill allows school districts to transport pupils between schools and before-and-after-school programs.

Conferees: Sens. David Wheeler, Dist. 11; Squires, Dist. 12 and McCarley, Dist. 6.

Conferees: Reps. Woods, Rock. 25; Kevin Smith, Rock. 29; Clay, Hills. 4; and Marjorie Smith, Straf. 8.

### REGULAR CALENDAR

#### COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

##### COMMITTEE OF CONFERENCE REPORT ON SB 36

The committee of conference to which was referred SB 36, An Act relative to incarcerated convicted persons receiving workers' compensation payments having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Section; Incarcerated Convicted Persons. Amend RSA 281-A by inserting after section 3 the following new section:

281-A:3-a Incarceration of Certain Persons. Notwithstanding any provision of law to the contrary, an employee who has become incarcerated pursuant to a conviction shall forfeit any right to workers' compensation indemnity benefits 30 days after incarceration for the remaining period of incarceration.

Conferees: Sens. Danaïs, Dist. 20; Francoeur, Dist. 14 and Katherine Wheeler, Dist. 21.

Conferees: Reps. Daniels, Hills. 13; Turner, Belk. 7; McNamara, Ches. 3 and Donald Welch, Hills. 48.

Adopted.

##### COMMITTEE OF CONFERENCE REPORT ON SB 40

The committee of conference to which was referred SB 40, An Act relative to the payment of wages by employers having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Francoeur, Dist. 14; Roberge, Dist. 9 and Cohen, Dist. 24.

Conferees: Reps. Daniels, Hills. 13; Clegg, Hills. 23, Hutchinson, Rock. 8 and Turner, Belk. 7.

Rep. Cushing spoke against and yielded to questions.

Rep. Clegg spoke in favor and yielded to questions.

Rep. Cushing requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference Report.

**YEAS 214 NAYS 139****YEAS 214****BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Pilliod, James  
Turner, Robert

Boyce, Robert  
Holbrook, Robert  
Rice, Thomas, Jr.  
Veazey, John

Calvert, Alice  
Hurt, George  
Rosen, Ralph

Clark, Charles  
Lawton, David  
Thomas, John

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
O'Connell, John

Hunt, John  
Royce, H. Charles

McNamara, Wanda  
Russell, Ronald

Metzger, Katherine  
Smith, Edwin

**COOS**

Davis, Perley  
Pratt, Leighton

Guay, Lawrence  
Tholl, John, Jr.

Horton, Lynn

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
MacNeil, Allen  
Trelfa, Richard

Alger, John  
Guaraldi, Lawrence  
Mirski, Paul  
Weber, Phil

Cobbin, Philip  
Hill, Richard  
Phinney, William  
Williams, William, Jr.

Connolly, Steven  
Hinman, Harry  
Root, John

**HILLSBOROUGH**

Alukonis, David  
Batula, Peter  
Briefs, Geoffrey  
Carney, Lauren  
Clegg, Robert, Jr.  
Dokmo, Cynthia  
Fenton, James  
Golding, William  
Holley, Sylvia  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
McRae, Karen  
Mittelman, David  
O'Hearn, Jane  
Sargent, Maxwell  
Wheeler, Robert

Ameen, W.  
Belvin, William  
Brundige, Robert  
Chabot, Robert  
Daniels, Gary  
Durham, Susan  
Ferguson, Charles  
Goulet, Maurice  
Hunter, Bruce  
L'Heureux, Robert  
Lozeau, Donnalee  
Marcinkowski, Michael  
Mercer, Robert  
Morello, Michael  
Pepino, Leo  
Searles, Stanley, Sr.  
White, Donald

Amidon, Eleanor  
Bergin, Peter  
Calawa, Leon, Jr.  
Christiansen, Lars  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Fields, Dennis  
Hansen, Herbert  
Jean, Loren  
LaRose, Richard  
Luebker, Bernard  
McCarty, Winston  
Messier, Irene  
Murch, George  
Peterson, Andrew  
Thulander, O. Alan

Arnold, Thomas, Jr.  
Boutin, David  
Carlson, Donald  
Clay, Susan  
Desrosiers, William  
Emerton, Lawrence, Sr.  
Gagnon, Eugene  
Herman, Keith  
Kelley, Robert  
Lessard, Rudy  
MacGillivray, Jeffrey  
McGough, Tim  
Milligan, Robert  
Murphy, Robert  
Piteri, Dawn  
Turgeon, Roland

**MERRIMACK**

Adams, Stephen  
Colburn, Kathleen  
Feuerstein, Martin  
Krueger, Patricia  
Leber, William  
Pfaff, Terence

Anderson, Eric  
Colburn, Thomas  
French, Barbara  
Lamach, Bernard  
Marshall, Kenneth  
Whalley, Michael

Brown, Mary  
Crosby, Toni  
Hess, David  
Langer, Ray  
Maxfield, Roy  
Whittemore, James

Chandler, Earle  
DeStefano, Stephen  
Hoadley, Elizabeth  
Larrabee, David  
Nichols, Avis

**ROCKINGHAM**

Aranda, M. Kathryn  
 Belanger, Ronald  
 Christie, Andrew, Jr.  
 Dube, LeRoy  
 Flanagan, Natalie  
 Frechette, Joseph  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 McCarthy, John, Jr.  
 Nowe, Ronald  
 Reardon, Neil  
 Stone, Joseph  
 Verani, Giovanni

Arndt, Janet  
 Camm, Kevin  
 Cote, Patricia  
 Dunham, Vivian  
 Flanders, David  
 Gleason, John  
 Hutchinson, Rebecca  
 Klemm, Arthur, Jr.  
 Lovejoy, Marian  
 Mikowski, Walter  
 Noyes, Richard  
 Rubin, George  
 Sytek, Donna  
 Welch, David

Battles-Peirce, Marjorie  
 Case, Margaret  
 Dowd, Sandra  
 Felch, Charles, Sr.  
 Flanders, John, Sr.  
 Griffin, Mary  
 Johnson, Robert  
 Kobel, Rudolph  
 Major, Norman  
 Moore, Benjamin  
 Packard, Sherman  
 Smith, Kevin  
 Tufts, J. Arthur  
 Woods, Deborah

Beaulieu, Jon  
 Cegelis, Mark  
 Dowling, Patricia  
 Fesh, Robert  
 Francoeur, Sheila  
 Guthrie, Joseph  
 Katsakiores, George  
 Langley, Jane  
 Malcolm, Kenneth  
 Morris, Debbie  
 Raynowska, Bernard  
 Stickney, Nancy  
 Varrell, Thomas

**STRAFFORD**

Brown, Julie  
 Musler, George  
 Tsiros, William

Kaen, Naida  
 Spear, Barbara  
 Vincent, Francis

Knowles, William  
 Torr, Ann

McKinley, Robert  
 Torr, Franklin

**SULLIVAN**

Adler, Rudolf

Flint, Gordon

Leone, Richard

Schotanus, Merle

**NAYS 139****BELKNAP**

Boriso, Thomas

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah  
 Doucette, Richard  
 Meader, David  
 Robertson, Timothy

Burnham, Daniel  
 Lynott, Margaret  
 Pratt, Irene  
 Vogl, John

Champagne, Richard  
 Manning, Joseph  
 Pratt, John

DePecol, Benjamin  
 McGuirk, Paul  
 Richardson, Barbara

**COOS**

Bradley, Paula  
 Moynihan, Wayne

Coulombe, Henry  
 St. Hilaire, Paul

Coulombe, Yvonne

Mears, Edgar

**GRAFTON**

Almy, Susan  
 Ham, Bonnie

Below, Clifton  
 Lovett, Sidney

Copenhaver, Marion  
 Luker, Elsa

Guest, Robert  
 Nordgren, Sharon

**HILLSBOROUGH**

Allen, W. Gordon  
 Buckley, Raymond  
 Cote, Peter  
 Foster, Joseph  
 Gosselin, Gerald  
 Hart, Nick  
 Leishman, Peter  
 Martin, Mary  
 Perkins, Paul  
 Williams, Carol

Baroody, Benjamin  
 Cardin, Lori  
 D'Allesandro, Lou  
 Foster, Linda  
 Haettenschwiller, Alphonse  
 Jean, Claudette  
 Leonard, Peter  
 McCarthy, William  
 Reidy, Frank  
 Wright, George

Barry, William, III  
 Clemons, Jane  
 Daigle, Robert  
 Franks, Suzan  
 Haley, Robert  
 Johnson, Lionel  
 Lynde, Harold  
 McDonald, James, Sr.  
 Vaillancourt, Steve

Bernier, Shannon  
 Cote, David  
 Flora, Kathleen  
 Ginsburg, Ruth  
 Hall, Betty  
 Lefebvre, Roland  
 MacAuslan, Rita  
 O'Rourke, Thomas  
 Welch, Donald

**MERRIMACK**

|                   |                    |                 |                 |
|-------------------|--------------------|-----------------|-----------------|
| Daneault, Gabriel | Dunn, Miriam       | Fraser, Marilyn | Gile, Mary      |
| Jacobson, Alf     | Lockwood, Robert   | Moore, Carol    | Owen, Derek     |
| Reardon, Tara     | Rogers, Katherine  | Seldin, Gloria  | St. Cyr, Gerard |
| Wallin, Jean      | Wallner, Mary Jane | Yeaton, Charles |                 |

**ROCKINGHAM**

|                    |                   |                    |                    |
|--------------------|-------------------|--------------------|--------------------|
| Abbott, Dennis     | Bishop, Franklin  | Blanchard, MaryAnn | Clark, Martha      |
| Coes, Betsy        | Cooney, Richard   | Cushing, Robert    | Dodge, Robert      |
| Downing, Michael   | Gibbons, Paul     | Heath, John        | Kane, Cecelia      |
| Kelley, Jane       | Langone, John     | McGovern, Cynthia  | Micklon, Stephanie |
| Norelli, Terie     | O'Keefe, Patricia | Sabella, Norma     | Schanda, Frank     |
| Stritch, C. Donald | Syracusa, Anthony | Vaughn, Charles    | Weyler, Kenneth    |

**STRAFFORD**

|                  |                   |                    |                  |
|------------------|-------------------|--------------------|------------------|
| Berube, Roger    | Bickford, David   | Brennan, William   | Callaghan, Frank |
| DeChane, Marlene | Dunlap, Patricia  | Estabrook, Iris    | Grassie, Anne    |
| Hemon, Roland    | Keans, Sandra     | Lundborn, Raymond  | Merrill, Amanda  |
| Merritt, Deborah | Pelletier, Arthur | Rogers, Rose Marie | Rollo, Michael   |
| Smith, Marjorie  | Snyder, Clair     | Sullivan, Henry    | Taylor, Kathleen |
| Twardus, Joseph  | Vachon, Dennis    | Wall, Janet        |                  |

**SULLIVAN**

|                    |                |                 |                  |
|--------------------|----------------|-----------------|------------------|
| Allison, David     | Burling, Peter | Cloutier, John  | Donovan, Thomas  |
| Ferland, Brenda    | Kibbey, David  | Lindblade, Eric | Palmer, Lorraine |
| Wiggins, Celestine |                |                 |                  |

and the report was adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 109**

The committee of conference to which was referred SB 109, An Act relative to the official ballot voting option having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 31:5, III as inserted by section 1 of the bill by replacing it with the following:

III. In the event that the legislative body at an annual meeting amends or rejects the cost items or fact finder's reports as submitted pursuant to RSA 273-A, notwithstanding paragraphs I and II, the selectmen may call one special meeting for the sole purpose of addressing all negotiated cost items without petitioning the superior court for authorization. Such special meeting may be authorized only by a contingent warrant article inserted on the warrant or official ballot either by petition or by the governing body. The wording of the question shall be as follows: "Shall (the local political subdivision), if article \_\_\_\_\_ is defeated, authorize the governing body to call one special meeting, at its option, to address article \_\_\_\_\_ cost items only?" The refusal of the legislative body to authorize a special meeting as provided in this paragraph shall not affect any other provision of law. Any special meeting held under this paragraph shall be combined with the revised operating budget meeting under RSA 40:13, XI, if any, and shall not be counted toward the number of special meetings which may be held in a given calendar or fiscal year.

Amend RSA 197:3, III as inserted by section 11 of the bill by replacing it with the following:

III. In the event that the legislative body at an annual meeting amends or rejects the cost items or fact finder's reports as submitted pursuant to RSA 273-A, notwithstanding paragraphs I and II, the school board may call one special meeting for the sole purpose of addressing all negotiated cost items without petitioning the superior court for authorization. Such special meeting may be authorized only by a contingent warrant article inserted on the warrant or official ballot either by petition or by the governing body. The wording of the question shall be as follows: "Shall (the

local political subdivision), if article \_\_\_\_\_ is defeated, authorize the governing body to call one special meeting, at its option, to address article \_\_\_\_\_ cost items only?" The refusal of the legislative body to authorize a special meeting as provided in this paragraph shall not affect any other provision of law. Any special meeting held under this paragraph shall be combined with the revised operating budget meeting under RSA 40:13, XI, if any, and shall not be counted toward the number of special meetings which may be held in a given calendar or fiscal year.

Conferees: Sens. Rubens, Dist. 5; Squires, Dist. 12 and Whipple, Dist. 8.

Conferees: Reps. Patten, Carr. 9; Fraser, Merr. 21; Dokmo, Hills. 14 and Metzger, Ches. 13.

Rep. McGuirk spoke against.

Rep. Patten spoke in favor and yielded to questions.

Rep. Lockwood spoke against and yielded to questions.

Rep. Dokmo spoke in favor.

Rep. MacGillivray requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference Report.

## YEAS 186 NAYS 166

### YEAS 186

#### BELKNAP

Bartlett, Gordon  
Golden, Paul  
Rosen, Ralph

Boriso, Thomas  
Holbrook, Robert  
Thomas, John

Boyce, Robert  
Lawton, David  
Turner, Robert

Clark, Charles  
Pilliod, James

#### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

#### CHESHIRE

Avery, Stephen  
Meader, David

Hunt, John  
Metzger, Katherine

Manning, Joseph  
Royce, H. Charles

McNamara, Wanda  
Smith, Edwin

#### COOS

Davis, Perley  
Tholl, John, Jr.

Guay, Lawrence

Pratt, Leighton

St. Hilaire, Paul

#### GRAFTON

Akins, Ralph  
Connolly, Steven  
MacNeil, Allen  
Weber, Phil

Alger, John  
Eaton, Stephanie  
Root, John

Almy, Susan  
Guaraldi, Lawrence  
Teschner, Douglass

Cobbin, Philip  
Hinman, Harry  
Trelfa, Richard

#### HILLSBOROUGH

Alukonis, David  
Belvin, William  
Calawa, Leon, Jr.  
Clay, Susan  
Dokmo, Cynthia  
Fields, Dennis  
Golding, William  
Herman, Keith  
Kelley, Robert  
Leishman, Peter  
MacGillivray, Jeffrey  
McRae, Karen  
Mittelman, David  
Piteri, Dawn  
Vaillancourt, Steve

Amidon, Eleanor  
Bergin, Peter  
Carlson, Donald  
Daniels, Gary  
Durham, Susan  
Flora, Kathleen  
Goulet, Maurice  
Holley, Sylvia  
Kurk, Neal  
Letendre, Evelyn  
MacIntyre, Doris  
Mercer, Robert  
Morello, Michael  
Sargent, Maxwell  
Wheeler, Robert

Arnold, Thomas, Jr.  
Briefs, Geoffrey  
Carney, Lauren  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Franks, Suzan  
Haettenschwiller, Alphonse  
Hunter, Bruce  
LaRose, Richard  
Lozeau, Donnalee  
McCarty, Winston  
Messier, Irene  
Murch, George  
Searles, Stanley, Sr.  
White, Donald

Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Desrosiers, William  
Ferguson, Charles  
Gagnon, Eugene  
Hansen, Herbert  
Jean, Loren  
Lefebvre, Roland  
Luebker, Bernard  
McGough, Tim  
Milligan, Robert  
O'Hearn, Jane  
Thulander, O. Alan

**MERRIMACK**

|                   |                    |                   |                    |
|-------------------|--------------------|-------------------|--------------------|
| Adams, Stephen    | Anderson, Eric     | Brown, Mary       | Chandler, Earle    |
| Colburn, Kathleen | Colburn, Thomas    | Daneault, Gabriel | Feuerstein, Martin |
| Fraser, Marilyn   | Hoadley, Elizabeth | Krueger, Patricia | Lamach, Bernard    |
| Langer, Ray       | Leber, William     | Marshall, Kenneth | Maxfield, Roy      |
| Whalley, Michael  | Whitemore, James   |                   |                    |

**ROCKINGHAM**

|                       |                    |                          |                     |
|-----------------------|--------------------|--------------------------|---------------------|
| Aranda, M. Kathryn    | Arndt, Janet       | Battles-Peirce, Marjorie | Beaulieu, Jon       |
| Blanchard, MaryAnn    | Camm, Kevin        | Case, Margaret           | Cegelis, Mark       |
| Christie, Andrew, Jr. | Cooney, Richard    | Cote, Patricia           | Dodge, Robert       |
| Dowd, Sandra          | Dube, LeRoy        | Dunham, Vivian           | Felch, Charles, Sr. |
| Fesh, Robert          | Flanders, David    | Flanders, John, Sr.      | Francoeur, Sheila   |
| Griffin, Mary         | Henderson, Warren  | Johnson, Robert          | Katsakiores, George |
| Katsakiores, Phyllis  | Klemm, Arthur, Jr. | Langley, Jane            | Letourneau, Robert  |
| Lovejoy, Marian       | Major, Norman      | Malcolm, Kenneth         | Morris, Debbie      |
| Norelli, Terie        | Nowe, Ronald       | Noyes, Richard           | Packard, Sherman    |
| Raynowska, Bernard    | Reardon, Neil      | Schanda, Frank           | Smith, Kevin        |
| Stickney, Nancy       | Sytek, Donna       | Tufts, J. Arthur         | Varrell, Thomas     |
| Verani, Giovanni      | Welch, David       | Weyler, Kenneth          | Woods, Deborah      |

**STRAFFORD**

|                  |                |                |                  |
|------------------|----------------|----------------|------------------|
| Bickford, David  | Brown, George  | Kaen, Naida    | McKinley, Robert |
| Merritt, Deborah | Musler, George | Spear, Barbara | Torr, Ann        |
| Torr, Franklin   |                |                |                  |

**SULLIVAN**

|               |                 |
|---------------|-----------------|
| Adler, Rudolf | Lindblade, Eric |
|---------------|-----------------|

**NAYS 166****BELKNAP**

|                |              |                   |                    |
|----------------|--------------|-------------------|--------------------|
| Calvert, Alice | Hurt, George | Rice, Thomas, Jr. | Salatiello, Thomas |
| Veazey, John   |              |                   |                    |

**CARROLL****CHESHIRE**

|                   |                  |                     |                    |
|-------------------|------------------|---------------------|--------------------|
| Bonneau, Sarah    | Burnham, Daniel  | Champagne, Richard  | DePecol, Benjamin  |
| Doucette, Richard | Lynott, Margaret | McGuirk, Paul       | O'Connell, John    |
| Pratt, Irene      | Pratt, John      | Richardson, Barbara | Robertson, Timothy |
| Russell, Ronald   | Vogl, John       |                     |                    |

**COOS**

|                |                 |                  |              |
|----------------|-----------------|------------------|--------------|
| Bradley, Paula | Coulombe, Henry | Coulombe, Yvonne | Horton, Lynn |
| Mears, Edgar   | Merrill, Gerald | Moynihan, Wayne  |              |

**GRAFTON**

|                  |                        |               |                  |
|------------------|------------------------|---------------|------------------|
| Below, Clifton   | Copenhaver, Marion     | Guest, Robert | Ham, Bonnie      |
| Hill, Richard    | Lovett, Sidney         | Luker, Elsa   | Nordgren, Sharon |
| Phinney, William | Williams, William, Jr. |               |                  |

**HILLSBOROUGH**

|                    |                    |                   |                     |
|--------------------|--------------------|-------------------|---------------------|
| Allen, W. Gordon   | Ameen, W.          | Baroody, Benjamin | Barry, William, III |
| Bernier, Shannon   | Boutin, David      | Buckley, Raymond  | Cardin, Lori        |
| Christiansen, Lars | Clegg, Robert, Jr. | Clemons, Jane     | Cote, David         |
| Cote, Peter        | D'Allesandro, Lou  | Daigle, Robert    | Dwyer, Paul, Sr.    |
| Fenton, James      | Foster, Linda      | Ginsburg, Ruth    | Gosselin, Gerald    |

Haley, Robert  
Jean, Claudette  
Lessard, Rudy  
McCarthy, William  
Perkins, Paul  
Welch, Donald

Hall, Betty  
Johnson, Lionel  
Lynde, Harold  
McDonald, James, Sr.  
Peterson, Andrew  
Williams, Carol

Hart, Nick  
L'Heureux, Robert  
MacAuslan, Rita  
Murphy, Robert  
Reidy, Frank  
Wright, George

Healy, Daniel  
Leonard, Peter  
Marcinkowski, Michael  
Pepino, Leo  
Turgeon, Roland

### MERRIMACK

Crosby, Toni  
Gile, Mary  
Lockwood, Robert  
Pflaff, Terence  
St. Cyr, Gerard

DeStefano, Stephen  
Hess, David  
Moore, Carol  
Reardon, Tara  
Wallin, Jean

Dunn, Miriam  
Jacobson, Alf  
Nichols, Avis  
Rogers, Katherine  
Wallner, Mary Jane

French, Barbara  
Larrabee, David  
Owen, Derek  
Seldin, Gloria  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Coes, Betsy  
Flanagan, Natalie  
Guthrie, Joseph  
Kelley, Jane  
McGovern, Cynthia  
O'Keefe, Patricia  
Stritch, C. Donald

Belanger, Ronald  
Cushing, Robert  
Frechette, Joseph  
Heath, John  
Kobel, Rudolph  
Micklon, Stephanie  
Rubin, George  
Syracusa, Anthony

Bishop, Franklin  
Dowling, Patricia  
Gibbons, Paul  
Hutchinson, Rebecca  
Langone, John  
Mikowski, Walter  
Sabella, Norma  
Vaughn, Charles

Clark, Martha  
Downing, Michael  
Gleason, John  
Kane, Cecelia  
McCarthy, John, Jr.  
Moore, Benjamin  
Stone, Joseph

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hemon, Roland  
Merrill, Amanda  
Smith, Marjorie  
Tsiros, William  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Twardus, Joseph

Brown, Julie  
Estabrook, Iris  
Knowles, William  
Rogers, Rose Marie  
Sullivan, Henry  
Vachon, Dennis

Callaghan, Frank  
Grassie, Anne  
Lundborn, Raymond  
Rollo, Michael  
Taylor, Kathleen  
Vincent, Francis

### SULLIVAN

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Schotanus, Merle

Cloutier, John  
Kibbey, David  
Wiggins, Celestine

Donovan, Thomas  
Leone, Richard

and the report was adopted.

Rep. Mirski declared a conflict of interest and did not participate.

### COMMITTEE OF CONFERENCE REPORT ON SB 153

The committee of conference to which was referred SB 153, An Act requiring a check-off box on a driver's license application form relative to having the social security number indicated on the driver's license having considered the same, report the same with the following recommendations: having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Pignatelli, Dist. 13; Gordon, Dist. 2 and Russman, Dist. 19.

Conferees: Reps. Packard, Rock. 29; Letourneau, Rock. 13; Turgeon, Hills. 47 and Akins, Graf. 14. Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 154

The committee of conference to which was referred SB 154, An Act relative to charter schools having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Conferees: Reps. Ferguson, Hills. 13; Amidon, Hills. 9; Manning, Ches. 9 and O'Keefe, Rock. 21. Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 172

The committee of conference to which was referred SB 172, An Act making various changes to the workers' compensation law having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Temporary Alternative Work. Amend RSA 281-A:23-b to read as follows:

281-A:23-b Alternative Work Opportunities. All employers with 5 or more employees shall develop temporary alternative work opportunities for injured employees. *If the employee fails to accept temporary alternative work, the employer may petition the commissioner pursuant to RSA 281-A:48, to reduce or end compensation. Notwithstanding RSA 281-A:22, if an injured employee returns to temporary alternative work within 5 days of sustaining the injury, such employee shall be paid workers' compensation from the first date of the injury.* The commissioner shall adopt rules under RSA 541-A relative to the administration of this section.

Conferees: Sens. Danaïs, Dist. 20; Francoeur, Dist. 14 and Blaisdell, Dist. 10.

Conferees: Reps. Daniels, Hills. 13; Turner, Belk. 7; Clegg, Hills 23; and Jane Kelley, Rock. 22. Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 183-FN

The committee of conference to which was referred SB 183-FN, An Act relative to liquor licenses for a sports/entertainment complex having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 178:20, V(u)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) The commission may issue a cocktail lounge license to the owner of a sports/entertainment complex, or any operator or designee contracting with the owner of the complex. Such license shall allow the sale or service of liquor and beverage in any clearly defined areas approved by the commission. Liquor and beverage shall be sold only at such times as a fee is charged for admission to an event at the sports/entertainment complex. Liquor and beverage shall not be sold or consumed in stadium or skybox seating at any intercollegiate or interscholastic event. The provisions of RSA 178:20, II shall not apply to this license.

Conferees: Sens. Frederick King, Dist. 1, Danaïs, Dist. 12 and Blaisdell, Dist. 10.

Conferees: Reps. Hess, Merr. 11; Robert Kelley, Hills. 18; Linda Foster, Hills. 10 and Klemm, Rock. 28.

Rep. Linda Foster yielded to questions.

Rep. Hess spoke in favor.

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 203-FN-L

The committee of conference to which was referred SB 203-FN-LOCAL, An Act deleting the state prison and adding county correctional facilities to the provisions relating to incarcerated educationally disabled children having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 County Correctional Facilities Added. Amend RSA 186-C:19-a to read as follows:

186-C:19-a Educationally Disabled Children at the Youth Development Center, the State-[Prison] Prisons, County Correctional Facilities, and the Youth Services Center.

I. For an educationally disabled child at the youth development center [~~or the state prison~~] *state prisons, or county correctional facilities*, or who is placed at the youth services center maintained by the department of youth development services while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13, the school district responsible for the development of an individualized education plan *and the child's special education expenses* shall be as follows:

(a) If such child is in the legal custody of the parent, the school district in which the child's parent resides shall be responsible.

(b) If such child is not in the legal custody of the parent or if the parent resides outside the state, the school district in which the child most recently resided other than in a state institution, home for children or health care facility as defined in RSA 193:27 shall be responsible.

(c) For the purposes of this section a parent shall not have legal custody if legal custody has been awarded to some other person or agency, even if that parent retains residual parental rights. An award of legal custody by a court of competent jurisdiction, in this state or in any other state, shall determine legal custody under this section.

II. The school district liability for educational expenses for an educationally disabled child in the youth development center [~~or the state prison~~], *state prisons, or county correctional facilities*, or who is placed in the youth services center while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13, shall not exceed the state average elementary cost per pupil, as determined by the state board of education for the preceding school year.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill adds county correctional facilities to the provisions relating to incarcerated educationally disabled children. The bill also specifies that the determination of the liable school district be the school district responsible for the child's special education expenses as well as, under current law, the district responsible for the development of the individualized education plan.

Conferees: Sens. Gordon, Dist 2; Frederick King, Dist 1 and Larsen, Dist 15.

Conferees: Reps. Durham, Hills 22; O'Hearn, Hills 26; Holbrook, Belk 7 and William Riley, Ches 7. Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 209-FN

The committee of conference to which was referred SB 209-FN, An Act establishing a residential care pilot program and providing for the funding of such program having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that long-term care includes a continuum of care. The general court recognizes that New Hampshire needs a system to help elderly persons maintain the maximum amount of independence. Residential care services are cost-effective and should be encouraged to prevent unnecessary and premature utilization of nursing home services. The general court recognizes that residential care services have an important role in the continuum of long-term care services. The general court also recognizes that the number of state-assisted residents has declined rapidly and is continuing to decline; that several small residential care homes have closed and that trend continues; and further, that some interim action is needed until the establishment and implementation of the commissioner of health and human services' long-term care plan.

2 Senate, House and Health and Human Services Department Residential Care Oversight Committee Established.

I. There shall be established the senate, house, and health and human services department residential care oversight committee.

II. The committee shall be composed of the following members:

(a) Three senate members; one from the public institutions, health and human services committee; one from the ways and means committee; and one from the finance committee, appointed by the president of the senate.

(b) Three house members; 2 from the health and human services committee and one from the finance committee, appointed by the speaker of the house.

(c) The commissioner of health and human services, or designee, and a person from the medicaid waiver office in the department of health and human services.

III. The first-named senate member shall be committee chairperson and the first-named house member shall be the vice-chairperson. Committee meetings shall be held at least once a month and shall continue until the interim program under section 4 of this act is implemented.

3 Amendment to Federal Home and Community Based Care Waiver. The committee shall ensure that the department of health and human services shall work forthwith to request an amendment to the Home and Community Based Care waiver for the Elderly and Chronically Ill to create a program for residential care services. When the waiver is approved, the commissioner shall implement the interim program, but not sooner than July 1, 1998.

#### 4 Interim Program.

I. The commissioner of the department of health and human services shall immediately request an amendment to the Home and Community Based Care waiver for the Elderly and Chronically Ill to create an interim funding program for residential care services. When the waiver is approved, the commissioner shall adopt rules, under RSA 541-A, relative to the following:

- (a) The number of designated beds shall be 140 for residential care, rule He-P 804.
- (b) Client eligibility.
- (c) Service definition.
- (d) Non-covered services.
- (e) Provider qualifications.
- (f) Provider requirements.
- (g) Reimbursement. Rule He-P 804 shall be the present Old Age Assistance (OAA) level

(\$513) plus an additional amount to bring the total rate to \$1,000 per month.

II. This interim program shall terminate upon the establishment and implementation of the commissioner's long-term care plan which shall include provisions for equitable funding for residential care as well as the other levels of long-term care.

III. The commissioner of health and human services shall pursue additional funding for this interim program in the form of grants from federal and private foundation sources and may immediately expend such grants, moneys, and any appropriation for the purposes of the program.

5 Long-Term Care Plan. The commissioner of health and human services shall provide the commissioner's long-term care plan to the president of the senate, the speaker of the house, the governor, the senate clerk, the house clerk, and the state library on or before January 1, 1998.

6 Funding for Interim Program. The amount of money necessary to fund the interim program under section 4 of this act for the biennium shall be transferred from funds already appropriated to the department of health and human services for the biennium ending June 30, 1999.

#### 7 Effective Date. This act shall take effect July 1, 1997.

Conferees: Sens. David Wheeler, Dist. 11; Frederick King, Dist. 1; and McCarley, Dist. 6.

Conferees: Reps. Emerton, Hills. 7; Batula, Hills. 18; Allen, Hills. 1 and Thulander, Hills. 6.

Adopted.

### AMENDMENT TO HOUSE RULES

The Rules Committee offered the following:

#### Amendment (1653h)

Amend House Rule 64 by inserting the following after the June 25, 1997 entry:

SEPTEMBER 2, 1997, Tuesday

First day that requests for drafting of bills for introduction in the second-year session may be filed with the Office of Legislative Services.

OCTOBER 1, 1997, Wednesday

Last day to file bill drafting requests.

NOVEMBER 3, 1997, Monday

Last day to report all re-referred bills from the first-year session.

NOVEMBER 7, 1997, Friday

Last day to file legislation relating to subject matter of study committees.

NOVEMBER 21, 1997, Friday

Last day to sign off all bills requiring fiscal notes (FNs) and study committee bills. Sign-off shall be 10 calendar days after receipt by the sponsor of the draft legislation, or November 21, whichever day is earlier.

DECEMBER 5, 1997, Friday

Last day to sign off all other bills. Sign-off shall be 10 calendar days after receipt by the sponsor of the draft legislation, or December 5, whichever day is earlier.

DECEMBER 22, 1997, Monday

Availability of chairmen's copies of all bills and resolutions.

### AMENDED ANALYSIS

The amendment to House Rule 64 inserts deadlines for legislative action relating to filing and sign-off for the second-year session.

Reps. Lozeau and Amanda Merrill spoke in favor.

Adopted.

### UNANIMOUS CONSENT

Reps. Teschner and Krueger addressed the House.

Rep. Root moved that the remarks made by Rep. Krueger be printed in the Journal.

Adopted.

Rep. Krueger: Last Friday Rep. Burling and I had a wonderful experience taping a show for WMUR. When we walked outside I noticed that I had a flat tire on my car. Rep. Burling was certainly the knight in shining armor. With regard to that, I have written him a poem which I hope you all will take with a grain of salt and know I am no Shakespeare. Rep. Burling, to you:

At the place where many issues were debated, I looked with horror at my tire deflated.

Oh my, I thought, this I cannot fix not having attended kindergarten at age six.

I never learned to fix a flat and now I shall be late for this and that.

However, soon panic turned to elation for with not a moment's hesitation did a man named

Peter say, "Worry not, soon you'll be on your way."

Sleeves were rolled, heels dug in, sweat on brow and a desire to win.

No compromise here, no need to committee, generous of heart, no fear of the gritty.

Oh, the task was over, thought I, until I noted the spare was as flat as a pie.

Again the crusader from the opposite aisle offered solutions with alacrity and guile.

"I'll follow you to get help," said he. I thought, "how much will this cost me?"

Twenty-five cents, or twenty; better at twelve?

This seemed not the moment to greatly delve.

So, I rumbled ahead slowly heading toward air,

followed by a leader with little time to spare.

Lucky for me, help was not too far. The end of the saga, hurrah, hurrah!

A wave from each ended the plight, but I noted with smug delight

that as we pulled away from the red light, he turned to the left and I turned to the right.

Rep. Buckley addressed the House.

### RECESS

(Speaker Sytek in the Chair)

### MOTION TO SUSPEND THE RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration of Committee of Conference reports on House Bills signed off after the deadline on **HB 1**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1998, and June 30, 1999, and **HB 2**, relative to state fees, funds, revenues, and expenditures. Reps. D'Allesandro and Cobbin spoke against.

Reps. Kurk and Lozeau spoke in favor.

Rep. Gene Chandler spoke in favor and yielded to questions.

Rep. Micklon requested a roll call; sufficiently seconded.

The question being the adoption of the motion to suspend the Rules.

**YEAS 221 NAYS 135****YEAS 221****BELKNAP**

Bartlett, Gordon  
Clark, Charles  
Lawton, David  
Thomas, John

Boriso, Thomas  
Golden, Paul  
Pilliod, James  
Veazey, John

Boyce, Robert  
Holbrook, Robert  
Rice, Thomas, Jr.

Calvert, Alice  
Hurt, George  
Rosen, Ralph

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
McNamara, Wanda  
Royce, H. Charles

Burnham, Daniel  
Meader, David  
Smith, Edwin

Hunt, John  
Metzger, Katherine  
Vogl, John

Manning, Joseph  
O'Connell, John

**COOS**

Bradley, Paula  
Guay, Lawrence  
Moynihan, Wayne

Coulombe, Henry  
Horton, Lynn  
Pratt, Leighton

Coulombe, Yvonne  
Mears, Edgar  
Tholl, John, Jr.

Davis, Perley  
Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Copenhaver, Marion  
Hill, Richard  
Nordgren, Sharon  
Williams, William, Jr.

Brown, Channing  
Eaton, Stephanie  
LaMott, Paul  
Phinney, William

Chase, Paul, Jr.  
Guest, Robert  
Luker, Elsa  
Teschner, Douglass

Connolly, Steven  
Ham, Bonnie  
MacNeil, Allen  
Trelfa, Richard

**HILLSBOROUGH**

Allen, W. Gordon  
Asselin, Robert  
Carlson, Donald  
Daniels, Gary  
Durham, Susan  
Foster, Linda  
Hansen, Herbert  
Johnson, Lionel  
LaRose, Richard  
Lynde, Harold  
McCarthy, William  
Messier, Irene  
Murphy, Robert  
Reidy, Frank  
Turgeon, Roland

Alukonis, David  
Belvin, William  
Chabot, Robert  
Dawe, Eileen  
Emerton, Lawrence, Sr.  
Gagnon, Eugene  
Herman, Keith  
Kelley, Robert  
Leishman, Peter  
MacGillivray, Jeffrey  
McCarty, Winston  
Mittelman, David  
O'Hearn, Jane  
Sargent, Maxwell  
Vaillancourt, Steve

Amidon, Eleanor  
Boutin, David  
Clay, Susan  
Desrosiers, William  
Ferguson, Charles  
Golding, William  
Holley, Sylvia  
Kurk, Neal  
Lozeau, DonnaLee  
MacIntyre, Doris  
McRae, Karen  
Morello, Michael  
Peterson, Andrew  
Searles, Stanley, Sr.  
Wheeler, Robert

Arnold, Thomas, Jr.  
Calawa, Leon, Jr.  
Cote, David  
Dokmo, Cynthia  
Fields, Dennis  
Goulet, Maurice  
Jean, Claudette  
L'Heureux, Robert  
Luebkert, Bernard  
Marcinkowski, Michael  
Mercer, Robert  
Murch, George  
Piteri, Dawn  
Thulander, O. Alan  
Wright, George

**MERRIMACK**

Anderson, Eric  
Dunn, Miriam  
Hager, Elizabeth  
Lamach, Bernard  
Lockwood, Robert  
Nichols, Avis  
Whitemore, James

Chandler, Earle  
Feuerstein, Martin  
Hess, David  
Langer, Ray  
Marshall, Kenneth  
Pfaff, Terence  
Yeaton, Charles

Daneault, Gabriel  
Fraser, Marilyn  
Hoadley, Elizabeth  
Larrabee, David  
Maxfield, Roy  
Wallner, Mary Jane

DeStefano, Stephen  
Gile, Mary  
Jacobson, Alf  
Leber, William  
Moore, Carol  
Whalley, Michael

**ROCKINGHAM**

Aranda, M. Kathryn  
Cegelis, Mark  
Dodge, Robert  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Stickney, Nancy  
Tufts, J. Arthur  
Woods, Deborah

Arndt, Janet  
Christie, Andrew, Jr.  
Dowd, Sandra  
Flanders, David  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
Malcolm, Kenneth  
Noyes, Richard  
Stone, Joseph  
Vaughn, Charles

Battles-Peirce, Marjorie  
Cooney, Richard  
Dowling, Patricia  
Flanders, John, Sr.  
Henderson, Warren  
Katsakiores, Phyllis  
Letourneau, Robert  
McCarthy, John, Jr.  
Packard, Sherman  
Stritch, C. Donald  
Welch, David

Case, Margaret  
Cote, Patricia  
Felch, Charles, Sr.  
Francoeur, Sheila  
Hutchinson, Rebecca  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McKinney, Betsy  
Simmons, John Anthony  
Syracusa, Anthony  
Weyler, Kenneth

**STRAFFORD**

Kaen, Naida  
Merritt, Deborah  
Torr, Ann  
Wall, Janet

Knowles, William  
Musler, George  
Torr, Franklin

McKinley, Robert  
Smith, Marjorie  
Tsiros, William

Merrill, Amanda  
Spear, Barbara  
Vincent, Francis

**SULLIVAN**

Adler, Rudolf  
Ferland, Brenda  
Palmer, Lorraine

Allison, David  
Flint, Gordon  
Schotanus, Merle

Burling, Peter  
Leone, Richard  
Wiggins, Celestine

Cloutier, John  
Lindblade, Eric

**NAYS 135****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

Bonneau, Sarah  
Lynott, Margaret  
Richardson, Barbara

Champagne, Richard  
McGuirk, Paul  
Robertson, Timothy

DePecol, Benjamin  
Pratt, Irene  
Russell, Ronald

Doucette, Richard  
Pratt, John

**COOS**

St. Hilaire, Paul

**GRAFTON**

Alger, John  
Guaraldi, Lawrence  
Root, John

Almy, Susan  
Hinman, Harry  
Weber, Phil

Below, Clifton  
Lovett, Sidney

Cobbin, Philip  
Mirski, Paul

**HILLSBOROUGH**

Ameen, W.  
Bergin, Peter  
Cardin, Lori  
Cote, Peter  
Fenton, James  
Ginsburg, Ruth  
Hart, Nick  
Lefebvre, Roland  
MacAuslan, Rita  
Milligan, Robert  
Welch, Donald

Baroody, Benjamin  
Bernier, Shannon  
Carney, Lauren  
D'Allesandro, Lou  
Flora, Kathleen  
Gosselin, Gerald  
Healy, Daniel  
Leonard, Peter  
Martin, Mary  
O'Rourke, Thomas  
White, Donald

Barry, William, III  
Brundige, Robert  
Christiansen, Lars  
Daigle, Robert  
Foster, Joseph  
Haley, Robert  
Hunter, Bruce  
Lessard, Rudy  
McDonald, James, Sr.  
Pepino, Leo  
Williams, Carol

Batula, Peter  
Buckley, Raymond  
Clemons, Jane  
Dwyer, Paul, Sr.  
Franks, Suzan  
Hall, Betty  
Jean, Loren  
Letendre, Evelyn  
McGough, Tim  
Perkins, Paul

**MERRIMACK**

|                   |                   |                 |               |
|-------------------|-------------------|-----------------|---------------|
| Adams, Stephen    | Brown, Mary       | Colburn, Thomas | Crosby, Toni  |
| French, Barbara   | Krueger, Patricia | Owen, Derek     | Reardon, Tara |
| Rogers, Katherine | Seldin, Gloria    | St. Cyr, Gerard | Wallin, Jean  |

**ROCKINGHAM**

|                    |                    |                   |                    |
|--------------------|--------------------|-------------------|--------------------|
| Abbott, Dennis     | Beaulieu, Jon      | Belanger, Ronald  | Bishop, Franklin   |
| Blanchard, MaryAnn | Camm, Kevin        | Clark, Martha     | Coes, Betsy        |
| Cushing, Robert    | Downing, Michael   | Dube, LeRoy       | Dunham, Vivian     |
| Fesh, Robert       | Frechette, Joseph  | Gibbons, Paul     | Guthrie, Joseph    |
| Heath, John        | Kane, Cecelia      | Kelley, Jane      | Langone, John      |
| McGovern, Cynthia  | Micklon, Stephanie | Mikowski, Walter  | Moore, Benjamin    |
| Morris, Debbie     | Norelli, Terie     | O'Keefe, Patricia | Raynowska, Bernard |
| Reardon, Neil      | Rubin, George      | Sabella, Norma    | Schanda, Frank     |
| Smith, Kevin       | Varrell, Thomas    |                   |                    |

**STRAFFORD**

|                   |                      |                   |                    |
|-------------------|----------------------|-------------------|--------------------|
| Berube, Roger     | Bickford, David      | Brennan, William  | Brown, George      |
| Brown, Julie      | Callaghan, Frank     | DeChane, Marlene  | Dunlap, Patricia   |
| Estabrook, Iris   | Grassie, Anne        | Hemon, Roland     | Keans, Sandra      |
| Lundborn, Raymond | McCann, William, Jr. | Pelletier, Arthur | Rogers, Rose Marie |
| Rollo, Michael    | Snyder, Clair        | Sullivan, Henry   | Taylor, Kathleen   |
| Twardus, Joseph   | Vachon, Dennis       |                   |                    |

**SULLIVAN**

|                 |               |
|-----------------|---------------|
| Donovan, Thomas | Kibbey, David |
|-----------------|---------------|

and the motion failed lacking the necessary two-thirds.  
Rep. Salatiello declared a conflict of interest and did not participate.

**RECESS****(Speaker Sytek in the Chair)**

Clerk's note: The following reports on House Bills were taken up as they were received from the Senate.

**CONSENT CALENDAR****COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS**

Rep. Wheeler moved that the Consent Calendar of House Bills Committee of Conference Reports, with the relevant amendments, as printed and distributed, be adopted.  
Adopted.

**HB 110**, relative to the use of and school district liability for the use of district computer systems and networks. (Report printed SJ 23, 6/10/97)

**HB 130**, clarifying the authority of county commissioners to arrange for work by prisoners. (Report printed SJ 23, 6/10/97)

**HB 157**, requiring persons marketing small consumer loans by offering inducement checks to print a disclosure on the inducement checks. (Report printed SJ 23, 6/10/97)

**HB 252**, relative to posting of bylaws in advance of any town election. (Report printed SJ 23, 6/10/97)

**HB 254**, relative to shared tenant telecommunication services. (Report printed SJ 23, 6/10/97)

**HB 318**, making technical changes to the provisions relating to school administrative units. (Report printed SJ 23, 6/10/97)

**HB 338**, repealing certain requirements relative to the duty to deliver a copy of process to prisoners. (Report printed SJ 23, 6/10/97)

**HB 340**, relative to the real estate commission and its licensing and bonding requirements. (Report printed SJ 23, 6/10/97)

**HB 417**, relative to ballot certification for political parties and choosing certain party candidates by caucus or convention. (Report printed SJ 23, 6/10/97)

**HB 431**, relative to the appointment of attorneys and guardians ad litem, and eliminating certain de novo hearings under certain laws related to child protection. (Report printed SJ 23, 6/10/97)

**HB 436**, establishing restrictions in building aid for conversions of area schools to cooperative school districts, and relative to increasing or decreasing grades in cooperative school districts. (Report printed SJ 23, 6/10/97)

**HB 447**, eliminating the grandfather clause for licensure of professional engineers. (Report printed SJ 23, 6/10/97)

**HB 450**, relative to accessing directory information as defined by the Family Educational Rights and Privacy Act. (Report printed SJ 23, 6/10/97)

**HB 453**, relative to the bank commissioner's regulation of sales finance companies and retail sellers. (Report printed SJ 23, 6/10/97)

**HB 462**, requiring the department of safety to inform persons under 21 years of age of the DWI laws. (Report printed SJ 23, 6/10/97)

**HB 527**, classifying smoke bombs as permissible fireworks. (Report printed SJ 23, 6/10/97)

**HB 554**, relative to damages in suits brought by administrators of an estate. (Report printed SJ 23, 6/10/97)

**HB 567**, relative to administration of vital records. (Report printed SJ 23, 6/10/97)

**HB 582**, relative to medicaid rate setting. (Report printed SJ 23, 6/10/97)

**HB 632**, abolishing the water well board and transferring its authority to the department of environmental services. (Report printed SJ 23, 6/10/97)

**HB 688**, establishing a committee to study all investigations of the late John C. Fairbanks and other members of the legal profession. (Report printed SJ 23, 6/10/97)

**HB 711**, relative to post-termination commissions. (Report printed SJ 23, 6/10/97)

## REGULAR CALENDAR

### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

**HB 197**, relative to the regulation of wetland scientists. (Report printed SJ 23, 6/10/97)

Rep. Dyer spoke in favor and yielded to questions.

Adopted.

Rep. Joseph Foster declared a conflict of interest and did not participate.

**HB 201-L**, allowing municipalities to apply the amount of a property tax abatement refund to outstanding taxes owed by the taxpayer. (Report printed SJ 23, 6/10/97)

Adopted.

**HB 203**, relative to driving after a revocation or suspension of license. (Report printed SJ 23, 6/10/97)

Adopted.

**HB 289**, authorizing annual school district meetings to be held at multiple locations. (Report printed SJ 23, 6/10/97)

Adopted.

**HB 344-L**, relative to planning board procedures on plats. (Report printed SJ 23, 6/10/97)

Adopted.

**HB 352**, modifying the definitions of "agriculture" and "farming" for certain purposes and adding a definition of "short rotation tree fiber farming." (Report printed SJ, 23, 6/10/97)  
Adopted.

**HB 478**, relative to workers' compensation compliance statements and making a technical correction. (Report printed SJ 23, 6/10/97)  
Adopted.

**HB 502**, placing limitations on warrant articles at special meetings. (Report printed SJ 23, 6/10/97)  
Adopted.

**HB 534**, establishing a committee to study the New Hampshire highway and bridge infrastructure. (Report printed SJ 23, 6/10/97)  
Adopted.

**HB 566**, relative to the applicability of the property tax to electric plants and pipelines. (Report printed SJ 23, 6/10/97)  
Adopted.  
Rep. Joseph Foster declared a conflict of interest and did not participate.

**HB 602**, repealing the franchise tax on electrical utilities and replacing it with a tax on electricity consumption. (Report printed SJ 23, 6/10/97)  
Adopted.  
Reps. Below and MacGillivray wished to be recorded against.  
Rep. Joseph Foster declared a conflict of interest and did not participate.

### CONSENT CALENDAR (CONT'D.)

#### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

Rep. Wheeler moved that the remainder of the Consent Calendar of House Bills Committee of Conference Reports, with the relevant amendments as printed and distributed, be adopted.  
Adopted.

**HB 735**, adding certain conduct to that which constitutes aggravated felonious sexual assault and felonious sexual assault. (Report printed SJ 23, 6/10/97)

**HB 773**, relative to intentional interference with child custody and visitation. (Report printed SJ 23, 6/10/97)

**HB 806**, relative to the business finance authority. (Report printed SJ 23, 6/10/97)

**HB 808**, changing the optional term of the school district clerk, moderator, and treasurer. (Report printed SJ 23, 6/10/97)

**HJR 1**, urging the preservation and continued development of community services to people with developmental disabilities and their families. (Report printed SJ 23, 6/10/97)

### REGULAR CALENDAR (CONT'D.)

#### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

**HB 746**, relative to fees collected by the insurance department. (Report printed SJ 23, 6/10/97)  
Adopted.

**HB 781**, relative to lucky 7 tickets and bingo games and requiring manufacturers and distributors of bingo supplies to be licensed. (Report printed SJ 23, 6/10/97)  
Adopted.

**HB 811**, legalizing, ratifying, and confirming actions, votes, and proceedings of the annual meetings of the North Walpole village district and the town of Bartlett. (Report printed SJ 23, 6/10/97)  
Adopted.

### UNANIMOUS CONSENT

Rep. Cushing addressed the House.

**SENATE MESSAGE****REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORT  
REQUESTS NEW COMMITTEE OF CONFERENCE**

**HB 723**, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover adults.

The President appointed Sens. David Wheeler, Fraser and Katherine Wheeler.

Rep. Robert Foster moved that the House accede to the request for a new Committee of Conference and spoke in favor.

Adopted.

The Speaker appointed Reps. Robert Foster, Calvert, Franklin Torr and French.

**RESOLUTION**

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

**RECESS MOTION**

Rep. Wheeler moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports and receiving Senate Messages only.

Adopted.

The House recessed at 4:50 p.m.

**RECESS**

**(Rep. Henderson in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 128**, relative to state regulation of participation by foreign banks in the financial markets of New Hampshire.

**Amendment (0033-EBA)**

Amend RSA 384-F:2, XI as inserted by section 1 of the bill by replacing line 3 with the following: U.S.C. section 1831u, and the same meaning in reference to foreign banks as is set forth in

Amend RSA 384-F:2, XIII as inserted by section 1 of the bill by replacing line 4 with the following:

same meaning as set forth in 3(o) of the Federal Deposit Insurance Act (12 U.S.C. section 1813(o)).

Amend RSA 384-F:2 as inserted by section 1 of the bill by renumbering the paragraph XXIII which follows paragraph XXVII to read as paragraph XXVIII.

Amend RSA 384-F:3 as inserted by section 1 of the bill by replacing lines 1 and 2 with the following:

384-F:3 General Rulemaking Authority. The commissioner is authorized and empowered to adopt rules, pursuant to RSA 541-A, and orders as the commissioner may deem necessary in order

Amend RSA 384-F:5 as inserted by section 1 of the bill by replacing line 2 with the following: rules of this state applicable to the ownership and operations of New Hampshire banks, and

Amend RSA 384-F:6, I(a) as inserted by section 1 of the bill by replacing line 1 with the following:

(a) The laws and rules of this state governing the acquisition or ownership of

Amend RSA 384-F:6, I(a) as inserted by section 1 of the bill by replacing line 5 with the following:

notwithstanding any provision of the laws or rules of this state to the contrary.

Amend RSA 384-F:6, I(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) The laws and rules of this state governing the powers and activities of New

Amend the introductory paragraph of RSA 384-F:6, II as inserted by section 1 of the bill by replacing lines 2-5 with the following:

any standards or requirements of the laws and rules of this state governing the ownership, control or operations of New Hampshire banks, even if applicable specifically or exclusively to foreign banks or other foreign persons, to the extent such standards or requirements are determined by rule or order of the commissioner to be either:

Amend RSA 384-F:7 as inserted by section 1 of the bill by replacing line 2 with the following: Notwithstanding any other provision of the laws and rules of this state, the citizenship and

Amend RSA 382-F:11, III as inserted by section 1 of the bill by replacing line 9 with the following:

A duplicate original of the license issued by the commissioner, along with a certified

Amend RSA 384-F:11, IV as inserted by section 1 of the bill by replacing line 3 with the following:

license is issued, and all such other information as the commissioner may require by rule or

Amend RSA 384-F:14, II(c) as inserted by section 1 of the bill by replacing lines 2-4 with the following:

required to maintain federal or state deposit insurance under any law, rule, or order of this state that requires New Hampshire state banks and other depository institutions to maintain such deposit insurance, and the commissioner may, by rule or order, exclude or exempt uninsured

Amend RSA 384-F:14, II(e) as inserted by section 1 of the bill by replacing line 2 with the following:

applicability of any existing standards, conditions, or requirements, by rule or order, as he or

Amend RSA 384-F:15, II as inserted by section 1 of the bill by replacing line 6 with the following: fiduciary powers in accordance with the laws and rules of this state.

Amend RSA 384-F:16, I as inserted by section 1 of the bill by replacing line 6 with the following: requirements that are applicable under the laws and rules of this state to such agency

Amend RSA 384-F:16, II as inserted by section 1 of the bill by replacing lines 1-5 with the following:

II. Notwithstanding any other provision of the laws or rules of this state, a New Hampshire state branch or New Hampshire state agency of a foreign bank acting in this state as an agent in accordance with the provisions of this section shall not be considered to be a branch of some other depository institution affiliate; provided, however, that no New Hampshire state branch or New Hampshire state agency shall be authorized by this section to act as agent for a branch or agency

Amend RSA 384-F:16, IV as inserted by section 1 of the bill by replacing line 4 with the following:

sound banking practices and all applicable rules and orders of the commissioner.

Amend RSA 384-F:18, I as inserted by section 1 of the bill by replacing line 2 with the following: office shall be in writing under oath and shall be in such form and contain such information as the

Amend RSA 384-F:19, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) That the foreign bank is of good character and sound financial standing;

Amend RSA 384-F:19, II(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) That the management of the foreign bank and the proposed management of the

Amend RSA 384-F:19, III as inserted by section 1 of the bill by replacing lines 8-10 with the following:

A duplicate original of the license issued by the commissioner, along with a certified copy of the foreign bank's charter or articles of incorporation and amendments thereto shall be filed with the New Hampshire secretary of state before such representative office shall commence business

Amend the unnumbered concluding paragraph of RSA 384-F:20, I as inserted by section 1 of the bill by replacing line 2 with the following:

prior written approval of the commissioner by general rule or upon application in such form

Amend RSA 384-F:20, II as inserted by section 1 of the bill by replacing line 6 with the following: notice under this paragraph shall be in such form and contain such information as the

Amend RSA 384-F:21, I as inserted by section 1 of the bill by replacing it with the following:

I. The foreign bank has violated any provision of this chapter or any other law or rule of this state; or

Amend RSA 384-F:26 as inserted by section 1 of the bill by replacing line 5 with the following: filing thereof may not of itself enlarge or alter the purpose or purposes which such foreign bank

Amend RSA 384-F:28 as inserted by section 1 of the bill by replacing line 6 with the following:  
bank or merger with another foreign bank.

Amend RSA 384-F:30, I as inserted by section 1 of the bill by replacing line 3 with the following:  
such a manner as he or she shall establish by rule or order.

Amend RSA 384-F:31, II as inserted by section 1 of the bill by replacing line 6 with the following:  
rules thereunder.

Amend RSA 384-F:31, III(a) as inserted by section 1 of the bill by replacing line 2 with the following:

other bank supervisory agency or any organization affiliated with or representing one or more bank

Amend RSA 384-F:31, III(e) as inserted by section 1 of the bill by replacing line 4 with the following:

this chapter and in accordance with RSA 383:11 or other applicable law.

Amend RSA 384-F:39, II as inserted by section 1 of the bill by replacing it with the following:

II. The commissioner is specifically authorized, in implementing the provisions of this section, to vary the ratio of assets to liabilities for New Hampshire state branches or New Hampshire state agencies, applicable under this section, of certain foreign banks as may be determined by the commissioner in his or her sole discretion to be necessary or desirable to reflect differences among such New Hampshire state branches or New Hampshire state agencies on account of:

(a) The financial condition of New Hampshire state branch or branches or New Hampshire state agency office or offices of the foreign bank;

(b) The financial condition of branch or agency offices of the same foreign bank located in other states;

(c) General economic conditions prevalent in the home country of the parent foreign bank; or

(d) The financial condition of the parent foreign bank itself, including but not limited to:

(1) The financial condition of its branches and agencies located in other countries;

(2) The financial condition of its affiliated bank and nonbank subsidiaries in the United States or other country or countries;

(3) The financial condition of the foreign bank on a worldwide consolidated basis or in its home country.

Amend RSA 384-F:39, III as inserted by section 1 of the bill by replacing line 5 with the following:

or of any other asset or obligation held by or owed to the foreign bank or its New Hampshire state

Amend RSA 384-F:39, IV as inserted by section 1 of the bill by replacing line 3 with the following:

financial condition, for the protection of depositors, creditors, and the public interest, and to maintain

Amend RSA 384-F:40, I as inserted by section 1 of the bill by replacing it with the following:

I. No foreign bank which is licensed to establish and maintain a New Hampshire state branch, New Hampshire state agency, or New Hampshire representative office shall close such branch, agency, or office without filing an application with and obtaining the prior approval of the commissioner. An application by a foreign bank under this section shall be in such form and include such information as the commissioner shall establish by rules adopted pursuant to RSA 541-A or by order.

Amend RSA 384-F:40, II as inserted by section 1 of the bill by replacing line 2 with the following:  
section, that the closing of such branch, agency, or office will not be substantially detrimental to the public convenience

Amend RSA 384-F:40, III as inserted by section 1 of the bill by replacing line 2 with the following:  
all conditions precedent to such closing have been fulfilled, such foreign bank may close such branch, agency, or office

Amend RSA 384-F:44 as inserted by section 1 of the bill by replacing it with the following:

384-F:44 Purposes. This subdivision is intended generally to ensure that interstate New Hampshire state branches of out-of-state foreign banks may be established and operated in this state:

I. To the extent consistent with the provisions of section 5 of the federal International Banking Act; and

II. Under terms and conditions that are generally comparable to and no less favorable than those applicable to the establishment of interstate federal branches in this state by out-of-state foreign banks.

Amend RSA 384-F:45, I as inserted by section 1 of the bill by replacing line 7 with the following: home state in the United States, notwithstanding any provision of the laws or rules of this

Amend RSA 384-F:45, II(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) May by rule or order allow an out-of-state foreign bank to acquire or merge  
Adopted.

**HB 149-FN**, relative to the regulation of the profession of physical therapy.

#### Amendment (0041-EBA)

Amend the bill by replacing section 1 with the following:

1 Definition Changed. Amend RSA 328-A:1, II to read as follows:

II. "Board" means the ~~[board of medicine]~~ *New Hampshire board of physical therapy*.

Amend RSA 328-A:14, XII as inserted by section 6 of the bill by replacing it with the following:

XII. Publishing a schedule of administrative fines under RSA 328-A:9, II(g).

Adopted.

**HB 161**, relative to pecuniary benefit transactions by charitable trusts and relative to charitable nonprofit corporations.

#### Amendment (0034-EBA)

Amend RSA 292:6-a as inserted by section 5 of the bill by replacing lines 6-7 with the following: those nonprofit corporations in existence on ~~[the effective date of this section]~~ *August 10, 1996*, until one year after ~~[such effective date]~~ *August 10, 1996*, nor to any organization qualified as a private foundation under the applicable

Adopted.

**HB 265**, repealing certain rulemaking authority of the commissioner of transportation.

#### Amendment (0031-EBA)

Amend RSA 21-L:12, II as inserted by section 2 of the bill by replacing line 1 with the following:

II. Issuing securities for certain carriers, as authorized by RSA ~~[288:76-92]~~ *228:76-92, in the event*  
Adopted.

**HB 246**, making technical corrections to the business profits tax, interest and dividends tax, and the legacies and successions tax and setting the biennial rate of the medicaid enhancement tax at 6 percent.

#### Amendment (0029-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT making technical corrections to property tax abatements, the business profits tax, the interest and dividends tax, and the legacies and successions tax and setting the biennial rate of the medicaid enhancement tax at 6 percent.

Amend RSA 77-A:1, XX (c)-(h) as inserted by section 3 of the bill by replacing them with the following:

(c) For all tax years beginning after December 31, 1986, *and tax years ending before January 1, 1988*, the United States Internal Revenue Code of 1986 in effect on December 22, 1987.

(d) For all tax years beginning after December 31, 1987, *and tax years ending before January 1, 1989*, the United States Internal Revenue Code of 1986 in effect on November 10, 1988.

(e) For all tax years beginning after December 31, 1988, *and tax years ending before January 1, 1991*, the United States Internal Revenue Code of 1986 in effect on December 19, 1989.

(f) For all tax years beginning after December 31, 1990, *and tax years ending before January 1, 1993*, the United States Internal Revenue Code of 1986 in effect on November 5, 1990.

(g) For all tax years beginning after December 31, 1992, *and tax years ending before January 1, 1995*, the United States Internal Revenue Code of 1986, in effect on August 10, 1993.

(h) For all tax years beginning after December 31, 1994, *and tax years ending before January 1, 1997*, the United States Internal Revenue Code of 1986, in effect on December 31, 1994.

Adopted.

**HB 426**, establishing a committee to study the administration of medications and the management of personal care assistance personnel in long-term care facilities.

**Amendment (0039-EBA)**

Amend section 3 of the bill by replacing subparagraph I(b)(7) with the following:

(7) The Home Care Association of New Hampshire.

Adopted.

**HB 700-FN-L**, relative to the renovation of regional vocational education centers and expanding an existing appropriation to include such renovations.

**Amendment (0036-EBA)**

Amend RSA 188-E:3, II as inserted by section 1 of the bill by replacing line 1 with the following:

II. Upon completion, the constructed *or renovated* facility shall become the property of

Amend section 3 of the bill by replacing line 2 with the following:

vocational centers shall be entitled to renovation grants under RSA 188-E:3 as amended by this act, Adopted.

**HB 701-L**, granting a municipality alternatives to accepting a tax deed to the property when the property owner is tax delinquent.

**Amendment (0042-EBA)**

Amend section 4 of the bill by replacing line 3 with the following:

VI. For purposes of this section, the authority to dispose of the property "as justice may Adopted.

**RECESS**

**(Rep. Stone in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 236-FN**, to allow a person who is being stalked to obtain a protective order.

**Amendment (0043-EBA)**

Amend section 3 of the bill by replacing line 1 with the following:

3 New Paragraph; Victim of Stalking; Protective Order. Amend RSA 633:3-a by inserting after paragraph III the following new Adopted.

**HB 378**, regulating the practice of acupuncture.

**Amendment (0047-EBA)**

Amend RSA 328-F:3, II as inserted by section 1 of the bill by replacing it with the following:

II. The governor shall appoint the initial board within 6 months of July 1, 1997.

Amend RSA 328-F:7, XII and XIII as inserted by section 1 of the bill by replacing them with the following:

XII. Establishing a schedule of administrative fines.

XIII. Other matters necessary for the proper administration of this chapter.

Amend RSA 328-F:9, I as inserted by section 1 of the bill by replacing line 3 with the following: certified under RSA 328-E:12.

Amend RSA 328-F:9, III as inserted by section 1 of the bill by replacing line 2 with the following: doctor of naturopathic medicine certified under RSA 328-E:12, shall hold out to members of the

Amend RSA 328-F:9, VIII as inserted by section 1 of the bill by replacing lines 2-3 with the following:

professionals licensed under RSA 316-A who are practicing acupuncture as of July 1, 1997 may petition the board for an exemption to the licensure requirements of this chapter.

Amend RSA 328-F:12, III(a) as inserted by section 1 of the bill by replacing line 5 with the following:

(4) By assessing administrative fines in amounts established by the board which shall not exceed \$2000 Adopted.

**HB 454**, relative to food service establishments.

**Amendment (0051-EBA)**

Amend RSA 143-A:6, I as inserted by section 2 of the bill by replacing line 2 with the following: food store, or a food service establishment or retail food store which has changed ownership or a food Adopted.

**HB 511-FN-L**, requiring health insurers to provide coverage for certain supplies, services, and education necessary in the treatment of diabetes.

**Amendment (0049-EBA)**

Amend the bill by replacing section 7 with the following:

7 New Section; Health Service Corporations. Amend RSA 420-A by inserting after section 17 the following new section:

420-A:17-a Coverage for Diabetes Services and Supplies. Every health service corporation and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each health service corporation that issues or renews any individual or group or blanket policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents and equipment used to treat diabetes subject to the terms and conditions of the policy. Each health service corporation that issues or renews any individual or group or blanket policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

8 Contingency; HB 261. If HB 261 becomes law, sections 3-5 of this act shall not take effect and section 7 of this act shall take effect January 1, 1998 at 12:01 a.m. If HB 261 does not become law, section 7 of this act shall not take effect and sections 3-5 of this act shall take effect January 1, 1998.

9 Effective Date.

I. Sections 3-5 and 7 of this act shall take effect as provided in section 8 of this act.

II. The remainder of this act shall take effect January 1, 1998.

Adopted.

**HB 588-FN**, relative to certification of operators of solid waste plants, water treatment plants, and wastewater treatment plants, and adding late renewal fees.

**Amendment (0044-EBA)**

Amend RSA 332-E:4, II and III as inserted by section 2 of the bill by replacing them with the following:

II. The department shall review applications and supporting documents, determine the eligibility of the applicant for examination and notify [him] *the applicant* of his *or her* status in writing.

III. The application shall be accompanied by a fee of [~~\$25~~] *\$50* to cover department expenses for conduct of the certification program. All fees shall be deposited with the state treasurer and reserved in a special nonlapsing fund which shall be continually appropriated to be used by the department for administration of this chapter.

Amend RSA 332-E:6, II and III as inserted by section 5 of the bill by replacing them with the following:

II. Renewal, when appropriate, shall be on a [~~calendar~~] *biennial* basis.

III. Certificates shall be [~~permanent~~] *renewed every 2 years* unless revoked for cause, replaced by one of the higher grade, or invalidated.

Adopted.

**HB 609-FN-L**, enacting the Uniform Interstate Family Support Act (UIFSA) and relative to child support.

**Amendment (0046-EBA)**

Amend RSA 126:6-a, II-a(d) as inserted by section 2 of the bill by replacing lines 3-4 with the following:

the purpose and completion of the form, and information on the rights and responsibilities of the parents, and shall provide assistance and training to staff assigned responsibility for providing the information.

Amend RSA 126:6-a, II-b(b) as inserted by section 3 of the bill by replacing lines 2-3 with the following:

of the town free of charge the affidavit of paternity forms, and information on the purpose and completion of the form, information on the rights and responsibilities of the parents, and shall provide assistance and training

Adopted.

**HB 726-FN**, relative to the jurisdiction and authority of the public utilities commission, the underground utility damage prevention system, the 911 system, the site evaluation committee, and criminal activities related to wireless telephone cloning.

**Amendment (0048-EBA)**

Amend section 3 of the bill by replacing line 1 with the following:

3 Definitions Changed. RSA 374:48, III and IV are repealed and

Amend RSA 106-H:9, I as inserted by section 17 of the bill by replacing line 4 with the following: *mobile radio service number*, and *each* semi-public *and public* coin and public access ~~lines~~ *line*. No Adopted.

**HB 731-FN-A-L**, relative to the taxation of sand, gravel, loam, and other similar substances.

**Amendment (0052-EBA)**

Amend RSA 72-B:1, III as inserted by section 2 of the bill by replacing line 1 with the following:

III. The pit area, as defined in RSA 72-B:2, VI shall be exempt from real estate taxation

Amend RSA 72-B:4 as inserted by section 2 of the bill by replacing line 2 with the following: assessing officials within 30 days after receipt of a report of excavated material by such

Amend RSA 72-B:12 as inserted by section 2 of the bill by replacing line 2 with the following: III shall be administered as follows:

Adopted.

**SB 105**, relative to rent collection upon delinquency in payment of common expenses by condominium unit owners. (Amendment printed SJ 23, 6/10/97)

Adopted.

**SB 165**, relative to Medicare and health maintenance organizations and relative to the disclosure by insurers of test results for the presence of an antibody or antigen to a human immunodeficiency virus. (Amendment printed SJ 23, 6/10/97)

Adopted.

**SB 202-FN-A-L**, relative to the certification and recertification of teachers, supervisors, and administrators, high school graduation examinations, school building aid, and establishing a committee to study school discipline and manifest educational hardship. (Amendment printed SJ 23, 6/10/97)

Adopted.

**RECESS**

(Rep. O'Hearn in the Chair)

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 457, 527, 536, 799 and 808 and Senate Bill numbered 207.

Rep. Pfaff, Sen. Barnes for the Committee

**RECESS**

(Rep. Lozeau in the Chair)

**ENROLLED BILL AMENDMENT**

**SB 169-FN**, relative to a college tuition savings plan. (Amendment printed SJ 23, 6/10/97)  
 Adopted.

**RECESS**

**(Rep. Adams in the Chair)**

**ENROLLED BILL AMENDMENT**

**HB 785-FN**, relative to alcohol and other drug abuse professionals.

**Amendment (0054-EBA)**

Amend RSA 330-C:3, II as inserted by section 1 of the bill by replacing line 2 with the following:  
 frequency that it impairs or endangers one's health, social, or economic function, or the health and

Amend RSA 330-C:3, XV as inserted by section 1 of the bill by replacing line 2 with the following:

supervise substance abuse counseling, who meets the qualifications in RSA 330-C.

Amend RSA 330-C:4, IV as inserted by section 1 of the bill by replacing line 1 with the following:

IV. A person certified as a certified alcohol and drug abuse counselor as defined in RSA 172:1,  
 XXV

Amend RSA 330-C:8, I(a)(6) as inserted by section 1 of the bill by replacing it with the following:

(6) Testing requirements.

Amend RSA 330-C:9, II(a) as inserted by section 1 of the bill by replacing line 1 with the following:

(a) For licensure as an alcohol and drug counselor (LADC):

Amend RSA 330-C:9, II(a)(4)-(6) as inserted by section 1 of the bill by replacing them with the following:

(4) Passing of a written ICRC test.

(5) Passing of an oral ICRC test.

(6) Passing of an ICRC written test for clinical supervisors.

Amend RSA 330-C:9, II(b)(3) as inserted by section 1 of the bill by replacing line 2 with the following:

specialty, which may be included as part of the experience requirements under subparagraph

Amend RSA 330-C:9, II(b)(6) as inserted by section 1 of the bill by replacing it with the following:

(6) Passing of an International ICRC written test for clinical supervisors.

Amend RSA 330-C:9, II(f) as inserted by section 1 of the bill by replacing it with the following:

(f) That the applicant has not been declared mentally incompetent by any court, or, if so declared, that there has been a subsequent court determination that the applicant is competent.

Amend RSA 330-C:11, II(a) and (b) as inserted by section 1 of the bill by replacing them with the following:

(a) For alcohol and drug counselor (ADC), 48 hours of approved continuing education in the 24 months subsequent to the date of licensure and later re-licensure.

(b) For clinical supervisor (CS), 6 hours of training on clinical supervision which may be incorporated into the hours needed for ADC re-licensing.

Amend RSA 330-C:14, IV(d) as inserted by section 1 of the bill by replacing line 2 with the following:

if annotated "Fees Guaranteed by the New Hampshire Board of Licensing for Alcohol and Other Drug

Amend paragraph I of section 2 of the bill by replacing line 2 with the following:

licensed clinical supervisors and licensed alcohol and drug counselors, and the licensed member representing

Amend paragraph I of section 2 of the bill by replacing lines 9-10 with the following:

board under RSA 330-C:6 shall have been engaged in the practice of clinical supervision or alcohol and drug abuse counseling, as appropriate, for at least 3 years immediately preceding appointment.  
 Adopted.

**RECESS**

**(Rep. Hinman in the Chair)**

**ENROLLED BILL AMENDMENT**

**HB 412**, relative to motor carrier safety rules and repealing certain obsolete statutes relating to motor vehicles.

**Amendment (0056-EBA)**

Amend RSA 266:72-a, II as inserted by section 2 of the bill by replacing line 2 with the following: sections 390-397, provides an equal or greater degree of safety the commissioner may, pursuant to RSA

Amend paragraph I of section 5 of the bill by replacing it with the following:

I. RSA 21-P:14, V(n), relative to the use of auxiliary tanks.

Adopted.

**RECESS****COMMITTEE ASSIGNMENTS**

Rep. Henderson off Enrolled Bills subcommittee of Legislative Administration; on Elections subcommittee of Legislative Administration.

Rep. Lozeau off Elections subcommittee of Legislative Administration; on Enrolled Bills subcommittee of Legislative Administration.

**(Rep. Emerton in the Chair)****ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 202.

Rep. Lozeau, Sen. Fraser for the Committee

**RECESS****(Rep. Amanda Merrill in the Chair)****ENROLLED BILL AMENDMENTS**

**SB 122**, establishing a committee to study health care issues related to managed care. (Amendment printed SJ 23, 6/10/97)

Adopted.

**SB 178-FN**, regulating managed care systems of health care delivery. (Amendment printed SJ 23, , 6/10/97)

Adopted.

**HB 203**, relative to driving after a revocation or suspension of license.

**Amendment (0058-EBA)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to driving after a revocation or suspension of license and relative to starting unattended vehicles.

Amend section 3 of the bill by replacing line 1 with the following:

3 Language Clarified. Amend the introductory paragraph of RSA 264:25, II and RSA 264:25, Adopted.

**HB 688-FN-A**, establishing a committee to study all investigations of the late John C. Fairbanks and other members of the legal profession.

**Amendment (0057-EBA)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study any actions and all investigations of the late John C. Fairbanks and other members of the legal profession.

Adopted.

**HB 696-FN-L**, authorizing the court to suspend the motor vehicle driver's license of a person convicted of criminal mischief when the court determines that a motor vehicle was used to abet the commission of criminal mischief.

**Amendment (0027-EBA)**

Amend RSA 263:57, II as inserted by section 1 of the bill by replacing line 1 with the following:

*II. The court may also suspend any license issued to any person under the circumstances*  
 Adopted.

**RECESS**

**(Rep. Fields in the Chair)**

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled and Senate Bill numbered 182.

Rep. Lozeau, Sen. Fraser for the Committee

**ENROLLED BILL AMENDMENTS**

**SB 6**, relative to real estate appraisers. (Amendment printed SJ 23, 6/10/97)  
 Adopted.

**SB 79**, prohibiting the sale of gift certificates containing an expiration date, relative to unclaimed and abandoned property, and relative to liens on personal property. (Amendment printed SJ 23, 6/10/97)  
 Adopted.

**HB 157**, requiring persons marketing small consumer loans by offering inducement checks to print a disclosure on the inducement checks.

**Amendment (0062-EBA)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring persons marketing loans by offering inducement checks to print a disclosure on the inducement checks.

Amend section 2 of the bill by replacing lines 2-4 with the following:  
 65 the following new subdivision:  
 Inducement Checks Disclosure

384:66 Inducement Check Disclosure. No financial institution subject to the provisions of this  
 Adopted.

**HB 436-FN-L**, establishing restrictions in building aid for conversions of area schools to cooperative school districts, increasing or decreasing grades in cooperative school districts, establishing a special village district for the towns of Bridgewater and Hebron, and relative to special reserve funds for the Exeter school district.

**Amendment (0064-EBA)**

Amend section 2 of the bill by replacing lines 1 and 2 with the following:

2 Application. Any cooperative school district receiving building aid on July 1, 1998, based on a conversion of an AREA to a cooperative school district shall continue  
 Adopted.

**RECESS**

**(Rep. Chabot in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 201-L**, allowing municipalities to apply the amount of property tax abatement refund to outstanding taxes owed by the taxpayer, relative to the procedure for adoption and modification of elderly exemptions, and authorizing the city of Dover to implement quarterly property tax billing.

**Amendment (0063-EBA)**

Amend the title of the bill by replacing it with the following:

**AN ACT** allowing municipalities to apply the amount of a property tax abatement refund to outstanding taxes owed by the taxpayer and relative to the procedure for adoption and modification of elderly exemptions.

Amend section 2 of the bill by replacing line 1 with the following:

2 Procedure for Adoption and Modification of Elderly Exemption. Amend RSA 72:39-b, I(a) to Adopted.

**HB 413**, relative to the sale or transfer of airports by the state.

**Amendment (0067-EBA)**

Amend section 1 of the bill by replacing line 1 with the following:

1 Sale or Transfer of Airports Purchased by State. Amend RSA 422:46 to read as follows:

422:46 Purchase [~~Price for~~] or *Transfer of* Airports.

Adopted.

**HB 462-FN**, requiring the department of safety to inform persons under 21 years of age and first-time New Hampshire driver's license applicants of the DWI laws.

**Amendment (0068-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT requiring the department of safety to inform first-time New Hampshire driver's license applicants of the DWI laws.

Adopted.

**HB 632-L**, abolishing the water well board and transferring its authority to the department of environmental services.

**Amendment (0069-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT replacing the current membership of the water well board and changing the term of office for water well board members.

Adopted.

**HB 690**, establishing a long-term care institute.

**Amendment (0060-EBA)**

Amend the bill by replacing sections 3 and 4 with the following:

3 Authority to Renumber RSA Chapter; HB 472; HB 599-FN; HB 690; HB 765-FN. If HB 472; HB 599-FN; HB 690; HB or 765-FN of the 1997 legislative session, or any combination of these bills, becomes law, then RSA 126-I as inserted by any of these bills which are enacted, and any references to any section of RSA 126-I in any of such bills, may be renumbered as necessary by the director of legislative services. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1997 session laws.

4 Repeal. RSA 126-I, relative to a long-term care institute, and any pilot program established pursuant to RSA 126-I:5, II, are repealed.

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 2004.

II. The remainder of this act shall take effect upon its passage.

Adopted.

**SB 177-FN-A**, relative to the liability of prospective adoptive parents for court ordered services. (Amendment printed SJ 23, 6/10/97)

Adopted.

RECESS

(Speaker Sytek in the Chair)

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 110, 128, 130, 142, 149, 161, 183, 203, 205, 236, 246, 252, 265, 300, 329, 352, 370, 372,

378, 417, 426, 433, 437, 450, 454, 459, 469, 502, 511, 534, 554, 566, 588, 592, 609, 636, 646, 693, 700, 701, 711, 718, 726, 731, 735, 746, 773, and HJR 1 and Senate Bills numbered 21, 30, 36, 39, 40, 82, 93, 94, 105, 109, 116, 122, 135, 149, 155, 159, 165, 169, 180 and 189.

Rep. Nowe, Sen. Barnes for the Committee

## RECESS

(Rep. Robertson in the Chair)

## ENROLLED BILL AMENDMENTS

**HB 197-FN**, relative to the regulation of wetland scientists.

### Amendment (0079-EBA)

Amend RSA 310-A:76, II-a as inserted by section 4 of the bill by replacing line 1 with the following:

II-a. "Certified wetland scientist" means a person who, by reason of his or her special knowledge  
Amend RSA 310-A:89 as inserted by section 21 of the bill by replacing line 3 with the following:  
certified [~~soil scientist or apprentice soil scientist~~] *individual* one month prior to expiration of

Amend section 26 of the bill by replacing lines 1-4 with the following:

26 Active Wetland Scientists. Any person who, on July 1, 1997, is actively engaged in the practice of wetland science, as described in RSA 310-A:76, may apply, for one year after the board's adoption of rules relative to wetland scientists, to the board for certification without examination. The board shall approve such application, provided the applicant meets the other  
Adopted.

**HB 254**, relative to shared tenant telecommunication services.

### Amendment (0085-EBA)

Amend the bill by replacing section 3 with the following:

3 New Section; Exemption From Public Utility Regulation. Amend RSA 362 by inserting after section 362:3-a the following new section:

362:3-b Shared Tenant Services. Authorized providers of shared tenant services as defined in RSA 374:22-k shall not be deemed to be telecommunications carriers within the meaning of the Communications Act of 1934 or public utilities within the meaning of this title.

4 Contingent Renumbering. If HB 452 becomes law, section 2 of this act shall not take effect, section 3 of this act shall take effect January 1, 1998, and RSA 374:22-h - RSA 374:22-k, as inserted by section 1 of this act, shall be renumbered as RSA 374:22-k - RSA 374:22-n. If HB 452 does not become law, section 3 of this act shall not take effect, and section 2 of this act shall take effect January 1, 1998.

5 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect January 1, 1998.

Adopted.

**HB 289-L**, authorizing annual school district meetings to be held at multiple locations, and relative to budgetary official ballot.

### Amendment (0073-EBA)

Amend RSA 197:23-a as inserted by section 5 of the bill by replacing line 28 with the following: segregated for the exclusive benefit of the district. Only securities defined by the bank commissioner as

Amend the bill by replacing all after section 9 with the following:

10 Gender Neutral. Amend RSA 197:23-a to read as follows:

197:23-a Treasurer's Duties. The treasurer shall have custody of all moneys belonging to the district and shall pay out the same only upon orders of the school board or upon orders of the 2 or more members of the school board empowered by the school board as a whole to authorize payments. The treasurer shall deposit the moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in solvent banks in the state, except that funds

may be deposited in banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus. The treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the district treasury, and of all notes given by the district, with the particulars thereof. At the close of each fiscal year, the treasurer shall make a report to the district, giving a particular account of all [his] *of the treasurer's* financial transactions during the year. The treasurer shall furnish to the school board statements from the books, and submit the books and vouchers to them and to the auditors for examination, whenever so requested. Whenever the treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the treasurer shall, with the approval of the school board, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the commonwealth of Massachusetts. Any person who directly or indirectly receives any such funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the district. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral. At least yearly, the school board shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

11 Contingency. If HB 572-FN becomes law, section 10 of this act shall take effect 60 days after its passage and section 5 of this act shall not take effect. If HB 572-FN does not become law, section 5 of this act shall take effect 60 days after its passage and section 10 of this act shall not take effect.

#### 12 Effective Date.

I. Sections 5 and 10 of this act shall take effect as provided in section 11.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

**HB 453**, relative to the bank commissioner's regulation of sales finance companies and retail sellers.

#### Amendment (0087-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the bank commissioner's regulation of sales finance companies and retail sellers and relative to check collection charges.

Amend RSA 361-A:1, I(a) as inserted by section 1 of the bill by replacing line 3 with the following:

terms of the retail installment contract pursuant to which the credit is extended;

Amend RSA 361-A:2, I as inserted by section 2 of the bill by replacing line 5 with the following:  
*RSA 361-A:7-12, unless otherwise exempted in this chapter.*

Amend RSA 361-A:8-a, III(b) as inserted by section 19 of the bill by replacing line 3 with the following:

violate the provision contained in subparagraph (a).

Amend RSA 361-D:3, III(s) as inserted by section 26 of the bill by replacing line 2 with the following:

descriptive explanation, used in calculating the base (periodic) payment.

Amend the bill by replacing all after section 26 with the following:

27 Check Collection Charges; Amendment to 1997, 161 (SB 17). Amend RSA 358-C:5, I to read as follows:

I. A creditor involved in a consumer credit transaction or a debt collector designated to collect on a check, negotiable order of withdrawal, share draft, or other negotiable instrument may charge and receive a check collection charge of not more than \$25, *unless otherwise expressly authorized by written agreement with the consumer.*

28 Repeal. The following are repealed:

- I. RSA 361-A:9, relative to credit upon anticipation of payments.
- II. RSA 361-A:10, relative to extending retail installment contracts.
- III. RSA 361-D:1, II, relative to the definition of capitalized cost.

IV. RSA 361-D:9, VI, relative to value of motor vehicle for purposes of total loss notice and waiver of gap amount.

29 Effective Date.

I. RSA 361-A:1, VII as inserted by section 1 of this act and sections 3 and 6 of this act shall take effect January 1, 1998.

II. RSA 361-A:1, I and II as inserted by section 1 of this act and section 19 of this act shall take effect 30 days after its passage.

III. Section 27 of this act shall take effect January 1, 1998, at 12:01 a.m.

IV. The remainder of this act shall take effect upon its passage.

Adopted.

**HB 472**, establishing the council for children and adolescents with chronic health conditions.

#### **Amendment (0074-EBA)**

Amend the bill by replacing section 3 with the following:

3 Authority to Renumber RSA Chapter; HB 472; HB 599-FN; HB 690; HB 765-FN. If HB 472; HB 599-FN; HB 690; or HB 765-FN of the 1997 legislative session, or any combination of these bills, becomes law, then RSA 126-I as inserted by any of these bills which are enacted, and any references to any section of RSA 126-I in any of such bills, may be renumbered as necessary by the director of legislative services. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1997 session laws.

4 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

**HB 478**, relative to workers' compensation compliance statements and making a technical correction and relative to continuing education for claims adjusters.

#### **Amendment (0075-EBA)**

Amend the bill by replacing all after section 4 with the following:

5 Contingency. If SB 172 becomes law, section 8 of SB 172, which amends RSA 281-A:63, I, shall not take effect.

6 Effective Date.

I. Sections 1 and 4 of this act shall take effect January 1, 1998.

II. The remainder of this act shall take effect upon its passage.

Adopted.

**HB 567-FN-L**, relative to administration of vital records.

#### **Amendment (0081-EBA)**

Amend the bill by replacing section 23 with the following:

23 Contingency. If HB 609-FN-LOCAL becomes law, sections 4 and 5 of this act shall not take effect. If HB 609-FN-LOCAL does not become law, sections 4 and 5 of this act shall take effect 60 days after its passage.

24 Effective Date.

I. Sections 4 and 5 of this act shall take effect as provided in section 23 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

**HB 584-L**, relative to the duties of school nurses.

#### **Amendment (0066-EBA)**

Amend RSA 326-B:4-a, XVI as inserted by section 3 of the bill by replacing line 1 with the following:

XVI. Establishing standards for currently licensed registered and practical nurses' and certified

Adopted.

**HB 599-FN**, relative to youth access to tobacco products.

**Amendment (0082-EBA)**

Amend RSA 78:2, I-a as inserted by section 2 of the bill by replacing line 2 with the following: section *and information regarding enforcement actions taken pursuant to this chapter and RSA 126-I* shall be public

Amend section 6 of the bill by replacing lines 1-2 with the following:

6 Sampler Added. Amend RSA 78:18 to read as follows:

78:18 Required Taxpayer Records. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to

Amend RSA 126-I:2, X as inserted by section 8 of the bill by replacing line 3 with the following: licensed sub-jobbers, vending machine operators, and retailers.

Amend RSA 126-I:3, III as inserted by section 8 of the bill by replacing line 2 with the following: sales from a vending machine or a person or sampler making a sale or distribution of tobacco products

Amend RSA 126-I:7, I as inserted by section 8 of the bill by replacing line 1 with the following:

I. No person shall use any tobacco product in any public educational facility or on the grounds of

Amend RSA 126-I:8, V as inserted by section 8 of the bill by replacing line 1 with the following:

V. In addition to the civil penalty described in paragraph IV, a person who violates this

Amend RSA 126-I:12, III as inserted by section 8 of the bill by replacing line 6 with the following: thereafter as requested by the department.

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 11:

10 Authority to Renumber RSA Chapter; HB 472; HB 599-FN; HB 690; HB 765-FN. If HB 472; HB 599-FN; HB 690; or HB 765-FN of the 1997 legislative session, or any combination of these bills, becomes law, then RSA 126-I as inserted by any of these bills which are enacted, and any references to any section of RSA 126-I in any of such bills, may be renumbered as necessary by the director of legislative services. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1997 session laws. Adopted.

**HB 806-FN-L**, relative to the business finance authority.

**Amendment (0084-EBA)**

Amend section 12 of the bill by replacing line 1 with the following:

12 New Sections; Exemptions; Authorization to Accept State Money; Status of Employees.

Amend RSA 162-A by inserting after section 27 the following new sections:  
Adopted.

**HB 811**, legalizing, ratifying, and confirming actions, votes, and proceedings of the annual meetings of the North Walpole village district and the town of Bartlett and authorizing the coordination of elections for the town of Bedford with the Bedford school district.

**Amendment (0078-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT legalizing, ratifying, and confirming actions, votes, and proceedings of the annual meetings of the North Walpole village district and the town of Bartlett and relative to authorizing the coordination of certain town and school district elections.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Contingent Renumbering. If SB 109 becomes law, RSA 40:15 as inserted by section 3 of this act shall be renumbered to read as RSA 40:14-a.

Adopted.

**SB 4**, relative to patient information. (Amendment printed SJ 23, 6/10/97)

Adopted.

**SB 35**, extending the elevator law to accessibility lifts. (Amendment printed SJ 23, 6/10/97)

Adopted.

**SB 183-FN**, relative to liquor licenses for a sports/entertainment complex. (Amendment printed SJ 23, 6/10/97)

Adopted.

**SB 194**, relative to the qualifications of child day care providers, and allowing school districts to transport school-age children between schools and before-and-after-school programs. (Amendment printed SJ 23, 6/10/97)

Adopted.

**SB 209-FN**, relative to a residential care services program. (Amendment printed SJ 23, 6/10/97)

Adopted.

## RECESS

(Rep. MacGillivray in the Chair)

## ENROLLED BILL AMENDMENTS

**HB 537-FN**, relative to the practice of allied health professionals.

### Amendment (0088-EBA)

Amend RSA 328-F:9 as inserted by section 1 of the bill by replacing lines 1 and 2 with the following:

328-F:9 Records. A true record of all of each board's official acts shall be made and preserved. The records shall be public and shall be open to inspection at all reasonable

Amend RSA 328-F:10, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. Each governing board shall maintain a current list of living or deceased persons who have

Amend RSA 328-F:23, V as inserted by section 1 of the bill by replacing line 1 with the following:

V. The governing board, upon making an affirmative finding under paragraph IV, may take disciplinary

Amend RSA 328-F:23, VIII as inserted by section 1 of the bill by replacing line 2 with the following:

governing boards or their agents or employees with regard to any action or activity taken in the

Amend RSA 328-F:23, VIII as inserted by section 1 of the bill by replacing line 6 with the following:

governing board in relation to proceedings under this chapter.

Amend RSA 328-F:23, X as inserted by section 1 of the bill by replacing line 5 with the following: restriction, should not be imposed in this state. In any such proceeding, the decision of the foreign

Amend RSA 328-F:24, I as inserted by section 1 of the bill by replacing lines 1-2 with the following:

I. One member of a governing board and an employee of the department of justice may investigate possible misconduct by licensees and applicants for licensure, as well as the

Amend RSA 328-F:25, I as inserted by section 1 of the bill by replacing line 2 with the following: informally shall be heard by the appropriate governing board. Such hearing shall be an open public

Amend RSA 328-F:28 as inserted by section 1 of the bill by replacing lines 6-8 with the following: person working under the supervision of an allied health practitioner that are customary and necessary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with such supervising allied health practitioner. This section shall not apply to

Amend the bill by replacing sections 20-22 with the following:

20 Rulemaking Authority Modified. Amend RSA 326-E:3, IX to read as follows:

IX. Any other matter which is consistent with the legislative intent of this chapter and which is necessary to the administration of this chapter *and the board's duties and responsibilities under RSA 328-F*.

21 Reference Added. Amend RSA 326-E:4, II to read as follows:

II. The applicant, except as otherwise provided in this chapter *or RSA 328-F*, shall be required to pass a standardized national examination.

22 Reference Removed. Amend RSA 326-E:5, I to read as follows:

I. Examinations for licensure in respiratory care shall be in English, nationally standardized, and approved by the ~~advisory committee and the~~ board. They shall be conducted not fewer than 2 times a year and in such places as may be determined by the board.

Amend RSA 326-G:1, II as inserted by section 37 of the bill by replacing line 1 with the following:

II. "Board" means the ~~[board of medicine established in RSA 329:2]~~ *governing board of athletic*

Amend section 57 of the bill by replacing line 4 with the following:  
with revenues from fees collected by the board of directors and authorized under RSA 328-F:13, V.  
The governor is

Amend section 58 of the bill by replacing line 2 with the following:  
this act relative to the practices governed by this act shall remain in effect until amended,  
Amend the bill by replacing all after section 58 with the following:

59 Repeal. The following are repealed:

- I. RSA 326-C:1, I relative to the definition of the occupational therapy advisory committee.
- II. RSA 326-C:3, I(b), relative to occupational therapy licensure requirements.
- III. RSA 326-C:4, III, relative to conditions for occupational therapy licensure.
- IV. RSA 326-C:5, relative to temporary licensure of occupational therapists.
- V. RSA 326-C:6, I relative to licensure renewal for occupational therapists.
- VI. RSA 326-C:7, relative to sanctions against licensed occupational therapists.
- VII. RSA 326-C:9, relative to the board of medicine's duty to administer certain fees.
- VIII. RSA 326-C:10, relative to the board of medicine's duty to maintain records related to occupational therapists.
- IX. RSA 326-C:11, II, relative to the board of medicine's authority to establish certain fees.
- X. RSA 326-C:11, V, relative to the board of medicine's authority to adopt certain rules regarding hearings.
- XI. RSA 326-C:12, relative to the occupational therapy advisory committee.
- XII. RSA 326-C:13, relative to penalties for violation of certain laws governing occupational therapists.
- XIII. RSA 326-E:1, I, relative to the definition of the respiratory care advisory committee.
- XIV. RSA 326-E:2, relative to the respiratory care advisory committee.
- XV. RSA 326-E:3, I, relative to the board of medicine's rulemaking authority regarding license application.
- XVI. RSA 326-E:3, V, relative to the board of medicine's rulemaking authority regarding fees.
- XVII. RSA 326-E:3, VII, relative to the board of medicine's rulemaking authority regarding hearings.
- XVIII. RSA 326-E:6, relative to temporary permits for respiratory care practitioners.
- XIX. RSA 326-E:8, relative to the term of licenses for respiratory care practitioners.
- XX. RSA 326-E:9, relative to disciplinary matters and unprofessional conduct in the practice of respiratory care.
- XXI. RSA 326-E:10, relative to hearings and reinstatement of licenses with respect to suspension and revocation of licensure to practice respiratory care.
- XXII. RSA 326-E:11, relative to requiring that respiratory care practitioners be licensed and exemptions from such requirement.
- XXIII. RSA 326-E:12, relative to limitations on licensure for those persons licensed to practice in fields other than respiratory care.
- XXIV. RSA 326-E:13, relative to making certain practices related to respiratory care misdemeanors.
- XXV. RSA 326-F:2, relative to the board of speech-language pathology.
- XXVI. RSA 326-F:3, relative to the requirement that speech-language pathologists be licensed to practice.
- XXVII. RSA 326-F:4, II, relative to limitations on persons licensed to practice in fields other than speech-language pathology.
- XXVIII. RSA 326-F:6, relative to suspension or revocation of licenses to practice speech-language pathology.
- XXIX. RSA 326-F:8, relative to renewal of licenses to practice speech-language pathology.
- XXX. RSA 326-F:10, II(c), relative to application fees for provisional licenses to practice speech-language pathology.
- XXXI. RSA 326-F:12, relative to record-maintenance duties of the board of speech-language pathology.

XXXII. RSA 326-F:13, II, relative to the rulemaking authority of the board of speech-language pathology to adopt fees.

XXXIII. RSA 326-F:13, V, relative to the rulemaking authority of the board of speech-language pathology regarding investigations and hearings.

XXXIV. RSA 326-F:13, VII, relative to the rulemaking authority of the board of speech-language pathology regarding license expiration dates.

XXXV. RSA 326-F:14, relative to the civil immunity of members of the board of speech-language pathology.

XXXVI. RSA 326-F:15, relative to the investigatory powers of the board of speech-language pathology.

XXXVII. RSA 326-F:16, relative to the authority of the board of speech-language pathology to conduct hearings and issue decisions.

XXXVIII. RSA 326-F:17, relative to temporary, emergency suspension of licenses to practice speech-language pathology.

XXXIX. RSA 326-F:18, relative to penalties for violations of certain laws governing the practice of speech-language pathology.

XL. RSA 326-G:1, I, relative to the definition of the advisory committee on athletic trainers.

XLI. RSA 326-G:3, relative to the practice of other professions by athletic trainers.

XLII. RSA 326-G:4, relative to the advisory committee on athletic trainers.

XLIII. RSA 326-G:5, relative to the duties of the advisory committee on athletic trainers.

XLIV. RSA 326-G:6, relative to the civil immunity for members of the advisory committee on athletic trainers.

XLV. RSA 326-G:7, I, relative to the board of medicine's authority to adopt certain rules regarding license application.

XLVI. RSA 326-G:7, IV, relative to the board of medicine's authority to adopt certain rules regarding fees.

XLVII. RSA 326-G:9, relative to requirements for temporary certification as an athletic trainer.

XLVIII. RSA 326-G:11, relative to expiration and renewal of certificates to practice as an athletic trainer.

XLIX. RSA 326-G:12, relative to suspension, revocation, or refusal to issue certification for athletic trainers.

L. RSA 326-G:13, relative to the board of medicine's authority to conduct hearings related to athletic trainers.

LI. RSA 326-G:15, making it a misdemeanor for a person to violate certain laws governing the practice of athletic training.

LII. RSA 328-A:1, VII, relative to the definition of the physical therapy advisory committee.

LIII. RSA 328-A:5, I, relative to renewal and expiration of licenses to practice physical therapy.

LIV. RSA 328-A:6, relative to the board's authority to adopt certain administrative rules regarding fees.

LV. RSA 328-A:7, relative to the board of medicine's duty to maintain certain records and to keep a register of all persons licensed to practice physical therapy.

LVI. RSA 328-A:8, relative to the physical therapy advisory committee.

LVII. RSA 328-A:9, relative to the board of medicine's disciplinary authority over physical therapists.

LVIII. RSA 328-A:13, relative to temporary licensure to practice physical therapy.

LIX. RSA 328-A:14, I, relative to the board of medicine's authority to adopt certain rules regarding the advisory committee.

LX. RSA 328-A:14, III, relative to the board of medicine's authority to adopt certain rules regarding fees.

LXI. RSA 329:9, X, relative to rulemaking authority of the board of medicine regarding occupational therapists.

LXII. RSA 329:9, XI, relative to rulemaking by the board of medicine regarding physical therapists.

LXIII. RSA 329:9, XII, relative to rulemaking by the board of medicine regarding athletic trainers.

60 Repeal. The following are repealed:

I. RSA 328-A:8, relative to the physical therapy advisory board.

II. RSA 328-A:9-a, relative to investigations by the physical therapy advisory board.

III. RSA 328-A:9-b, relative to hearings of the physical therapy advisory board.

IV. RSA 328-A:9-c, relative to temporary suspension of licenses by the physical therapy advisory board.

61 Contingency. If HB 149-FN becomes law, section 60 of this act shall take effect January 1, 1998, and paragraph of LVI of section 59 of this act shall not take effect. If HB 149-FN does not become law, paragraph of LVI of section 59 of this act shall take effect January 1, 1998, and section 60 of this act shall not take effect.

62 Contingent Renumbering of RSA 328-F in HB 378. If HB 378 becomes law, all references in HB 378 to RSA 328-F as inserted by HB 378, and any references to any section of RSA 328-F in HB 378, shall be renumbered to RSA 328-G by the director of legislative services. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1997 session laws.

63 Reference Change. Amend RSA 328-F:24, V to read as follows:

V. The governing boards may at any time, with the advice and consent of the department of justice, subpoena medical, clinical, pharmacy, billing or other records related to the diagnosis or treatment from its licensees, or other health care providers, educational institutions, health care facilities and health insurance and health maintenance organizations, and ~~[medical and hospital]~~ **health** service corporations licensed or certified in this state to the extent that the records sought are relevant to matters within the office's regulatory authority. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current license or certificate, and shall require no witness or other fee. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

64 Contingency. IF HB 261 becomes law, section 63 of this act shall take effect January 1, 1998 at 12:01 a.m. If HB 261 does not become law, section 63 of this act shall not take effect.

65 Reference Change. Amend RSA 313-A:23, II(g) to read as follows:

(g) Persons licensed as physical therapists or physical therapists assistants under RSA 328-A and 328-F.

66 Reference Change. Amend RSA 328-A:1, II to read as follows:

II. "Board" means the ~~[New Hampshire board of]~~ physical therapy ***governing board established in RSA 328-F:3, I.***

67 Rulemaking. RSA 328-A:14 is repealed and reenacted to read as follows:

328-A:14 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. Supervision and consultation requirements.

II. License renewal.

III. Continuing education requirements.

IV. Ethical standards and disciplinary actions.

V. Other matters necessary for the proper administration of this chapter and the board's duties and responsibilities under RSA 328-F.

68 Contingency. If HB 149 becomes law, sections 65-67 of this act shall take effect January 1, 1998, at 12:01 a.m. and sections 3, 48, 51, 54, 55, and paragraphs LII, LIX, LX, and LXII of section 59 of this act shall not take effect. If HB 149 does not become law, sections 3, 48, 51, 54, 55, and paragraphs LII, LIX, LX, and LXII of section 59 of this act shall take effect January 1, 1998, and sections 65-67 shall not take effect.

69 Effective Date.

I. Sections 3, 48, 51, 54, 55, and 65-67 and paragraphs LII, LIV, LIX, LX, and LXII of section 59 of this act shall take effect as provided in section 68.

II. Section 63 of this act shall take effect as provided in section 64.

III. Sections 61, 62, 64, and 68 of this act shall take effect upon its passage.

IV. Section 60 and paragraph LVI of section 59 of this act shall take effect as provided in section 61.

V. The remainder of this act shall take effect January 1, 1998.

Adopted.

**HB 611-FN**, making state securities laws comply with the National Securities Markets Improvement Act.

**Amendment (0070-EBA)**

Amend section 4 of the bill by replacing lines 1-3 with the following:

4 New Paragraph; Definition; Investment Adviser Representative. Amend RSA 421-B:2, IX-a to read as follows:

IX-a. *"Investment adviser representative" means any partner, officer, director, or*

Amend RSA 421-B:4, V(c) as inserted by section 8 of the bill by replacing line 5 with the following:

orders to be induced by an adviser for a client's account.

Amend RSA 421-B:4, V(h) as inserted by section 8 of the bill by replacing it with the following:

(h) Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment adviser or any employee of the investment adviser, or misrepresenting the nature of the advisory services being offered or fees to be charged for such services, or omitting to state a material fact necessary to make the statements made regarding qualifications, services or fees, in light of the circumstances under which they are made, not misleading.

Amend RSA 421-B:4, V(o) as inserted by section 8 of the bill by replacing line 1 with the following:

(o) Taking any action, directly or indirectly, with respect to those securities or funds in

Amend RSA 421-B:4, V(s) as inserted by section 8 of the bill by replacing line 1 with the following:

(s) Indicating, in an advisory contract, any condition, stipulation, or provisions binding

Amend RSA 421-B:6, VIII as inserted by section 9 of the bill by replacing line 1 with the following:

VIII.(a) A broker-dealer that is resident in Canada and has no office or other physical presence in this state may, provided the broker-dealer is licensed in accordance with this section, effect transactions in securities with or for, or induce or attempt to induce the purchase or sale of any security by:

(1) A person from Canada who is temporarily resident in this state, with whom the Canadian broker-dealer had a bona fide broker-dealer-client relationship before the person entered the United States; or

(2) A person from Canada who is resident in this state, whose transactions are in a self-directed tax advantaged retirement plan in Canada of which the person is the holder or contributor.

(b) An agent who will be representing a Canadian broker-dealer licensed under this section may, provided the agent is licensed in accordance with this section, effect transactions in securities in this state as permitted for the broker-dealer in subparagraph (a).

(c) A Canadian broker-dealer may become licensed under this section, provided that the broker-dealer:

(1) Files an application in the form required by the jurisdiction in which it has its head office;

(2) Files a consent to service of process;

(3) Is registered as a broker or dealer in good standing in the jurisdiction from which it is effecting transactions into this state and files evidence thereof; and

(4) Is a member of a self-regulatory organization or stock exchange in Canada.

(d) An agent who will be representing a Canadian broker-dealer licensed under this section in effecting transactions in securities in this state may become licensed under this section, provided that the agent:

(1) Files an application in the form required by the jurisdiction in which the broker-dealer has its head office;

(2) Files a consent to service of process; and

(3) Is registered in good standing in the jurisdiction from which he or she is effecting transactions into this state and files evidence thereof.

(e) If no denial order is in effect and no proceeding is pending under this chapter, the license becomes effective on the thirtieth day after an application is filed unless earlier made effective.

(f) A Canadian broker-dealer licensed under this section shall:

(1) Maintain its provincial or territorial registration and its membership in a self-regulatory organization or stock exchange in good standing;

(2) Provide the secretary of state upon request with its books and records relating to its business in this state as a broker-dealer;

(3) Inform the secretary of state forthwith of any criminal action taken against the broker-dealer or its agent or of any finding or sanction imposed on the broker-dealer as a result of any self-regulatory or regulatory action involving fraud, theft, deceit, misrepresentation, or similar conduct; and

(4) Disclose to its clients in the state that the broker-dealer and its agents are not subject to the full regulatory requirements in this chapter.

(g) An agent of a Canadian broker-dealer licensed under this section shall:

(1) Maintain his or her provincial or territorial registration in good standing;

(2) Inform the secretary of state forthwith of any criminal action, taken against him or her, or of any finding or sanction imposed on the agent as a result of any self-regulatory or regulatory action involving fraud, theft, deceit, misrepresentation, or similar conduct.

(h) Renewal applications for Canadian broker-dealers and agents under this section shall be filed before December 1 each year and may be made by filing the most recent renewal application, if any, filed in the jurisdiction in which the broker-dealer has its head office, or if no such renewal application is required, the most recent application filed pursuant to subparagraph (c)(1) or subparagraph (d)(1), as the case may be.

(i) Every applicant for a license or renewal of a license under this section shall pay the fee for broker-dealers and agents as required under RSA 421-B:31.

(j) A Canadian broker-dealer or agent licensed under this section shall only effect transactions in this state:

(1) As permitted in subparagraph (a) or (b);

(2) With or through (i) the issuers of the securities involved in the transactions, (ii) other broker-dealers, and (iii) banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts or other financial institutions or institutional buyers, whether acting for themselves or as trustees; and

(3) As otherwise permitted by this chapter.

(k) A Canadian broker-dealer or agent licensed under this section and acting in accordance with the limitations set out in subparagraph (j) is exempt from all of the requirements of this chapter, except the anti-fraud provisions and the requirements set out in this section. Such Canadian broker-dealer or agent may only have its license under this section denied, suspended or revoked for a breach of the anti-fraud provisions of this chapter or the requirements in this section.

***IX. Under the provisions of NSMIA and this chapter, until October 11, 1999, if a***

Amend RSA 421-B:7, I-a as inserted by section 10 of the bill by replacing lines 4-7 with the following:

complete Form ADV filed with the Securities and Exchange Commission and a Form U-2, and shall pay initial and annual fees in accordance with 421-B:31. Initial fees shall be paid before business is transacted in this state, and annual fees shall be paid on or before December 31 of the current year for the ensuing year. Federal covered advisers shall submit copies to the secretary of state of all documents filed with the

Amend RSA 421-B:7, IV as inserted by section 11 of the bill by replacing lines 3-7 with the following:

amount determined by the secretary of state based upon the number of clients, the disciplinary history of the investment adviser or broker-dealer, and the total assets under management of the investment adviser, subject to the limitations of section 15 of the Securities Exchange Act of 1934 for broker-dealers, and section 222 of the Investment Advisers Act of 1940 for investment advisers, and may determine the conditions of the bonds. Any appropriate deposit of cash or securities shall be accepted in

Amend RSA 421-B:8, XI as inserted by section 14 of the bill by replacing line 4 with the following:

the secretary of state's discretion, information furnished to clients or prospective clients of an investment adviser that

Amend RSA 421-B:8, XII(b) as inserted by section 14 of the bill by replacing lines 5-11 with the following:

preserve books and records in compliance with Securities and Exchange Commission rules 17a-3 (17 C.F.R. 240.17a-3), 17a-4 (17 C.F.R. 240.17a-4), 15c2-6 (17 C.F.R. 240.15c2-6), and 15c2-11 (17 C.F.R. 240.15c2-11).

(2) To the extent that the Securities and Exchange Commission promulgates changes to the above-referenced rules, broker-dealers in compliance with such rules as amended shall not be subject to enforcement action by the secretary of state for violation of this section to the extent that the violation results solely from the broker-dealer's compliance with the amended rules.

Amend RSA 421-B:8, XII(c)(3) as inserted by section 14 of the bill by replacing line 2 with the following:

sale of any security or any instruction received by the investment adviser from the client concerning

Amend RSA 421-B:8, XII(c)(12)(C) as inserted by section 14 of the bill by replacing it with the following:

(C) An investment adviser shall not be deemed to have violated the provisions of this subparagraph because of failure to record securities transactions of any investment advisory representative if the investment adviser establishes that adequate procedures were instituted and reasonable diligence used to obtain promptly reports of all transactions required to be recorded.

Amend RSA 421-B:8, XII(c)(13)(A) as inserted by section 14 of the bill by replacing line 1 with the following:

(13)(A) Notwithstanding the provisions of subparagraph (c)(12) where the

Amend RSA 421-B:8, XII(d) as inserted by section 14 of the bill by replacing line 1 with the following:

(d) If an investment adviser subject to subparagraph (c) has custody or possession of

Amend RSA 421-B:8, XII(e) as inserted by section 14 of the bill by replacing line 1 with the following:

(e) Every investment adviser subject to subparagraph (c) who renders any investment

Amend RSA 421-B:8, XII(g)(1) as inserted by section 14 of the bill by replacing lines 1-2 with the following:

(g)(1) All books and records required to be made under the provisions of subparagraphs (a)-(e)(1) and (h) and (i), inclusive of this paragraph (except for books and records required to be made under the

Amend RSA 421-B:8, XII(g)(3) as inserted by section 14 of the bill by replacing line 5 with the following:

directly or indirectly, any notice, circular, advertisement, newspaper article, investment letter, bulletin,

Amend RSA 421-B:8, XII(h) as inserted by section 14 of the bill by replacing line 1 with the following:

(h) An investment adviser subject to subparagraph (c) of this paragraph, before ceasing

Amend RSA 421-B:8, XII(i)(1)(E) as inserted by section 14 of the bill by replacing lines 1-2 with the following:

(E) With respect to records stored on film, at all times have available for the secretary of state's examination its records pursuant to provisions of this chapter,

Amend RSA 421-B:8, XII(i)(2) as inserted by section 14 of the bill by replacing it with the following:

(2) Pursuant to subparagraph (i)(1) an investment adviser may maintain and preserve, on computer tape or disk or other computer storage medium, records which, in the ordinary course of the adviser's business, are created by the adviser on electronic media or are received by the adviser solely on electronic media or by electronic data transmission.

Amend RSA 421-B:8, XIII(c)(3) as inserted by section 14 of the bill by replacing line 3 with the following:

more, an offer of the type specified in subparagraph (a)(1) shall also be made at the time of entering

Amend RSA 421-B:8, XV as inserted by section 14 of the bill by replacing lines 4-13 with the following:

comply with Securities and Exchange Commission Rules 15c3-1 (17 C.F.R. 240.15c3-1), 15c3-2 (17 C.F.R. 240.15c3-2), and 15c3-3 (17 C.F.R. 240.15c3-3).

(b) Each broker-dealer licensed or required to be licensed under this chapter shall comply with Securities and Exchange Commission Rules 17a-11 (17 C.F.R. 240.17a-11) and shall file with the secretary of state upon request, or as required by this chapter or orders or rules promulgated thereunder, copies of notices and reports required under Securities and Exchange Commission Rules 17a-5, 17a-10, and 17a-11.

(c) To the extent that the Securities and Exchange Commission promulgates changes to the above-referenced rules, broker-dealers in compliance with such rules as amended shall not be subject to enforcement action by the secretary of state for violation of this section to the extent that the violation results solely from the broker-dealer's compliance with the amended rules.

Amend RSA 421-B:8, XVI(a) as inserted by section 14 of the bill by replacing line 2 with the following:

custody of client funds or securities shall maintain at all times a minimum net worth of \$35,000,

Amend RSA 421-B:8, XVI(e) as inserted by section 14 of the bill by replacing line 4 with the following:

state and is in compliance with such state's minimal capital requirements.

Amend RSA 421-B:11, I-a(b) as inserted by section 15 of the bill by replacing line 1 with the following:

*(b) Prior to the offer or sale of covered securities under section 18(b)(3) of the Securities Act of 1933, a notice*

Amend RSA 421-B:11, I-a(c) as inserted by section 15 of the bill by replacing line 1 with the following:

*(c) Prior to the offer or sale of covered securities under section 18(b)(4)(A) of the Securities Act of 1933, a*

Amend RSA 421-B:11, I-a(d) as inserted by section 15 of the bill by replacing line 1 with the following:

*(d) Prior to the offer or sale of covered securities under section 18(b)(4)(C) of the Securities Act of 1933, a*

Amend RSA 421-B:11, I-a(d)(3) as inserted by section 15 of the bill by replacing it with the following:

*(3) A copy of the prospectus;*

Amend RSA 421-B:11, I-a(e) as inserted by section 15 of the bill by replacing line 2 with the following:

*under section 18(b)(4)(D) of the Securities Act of 1933, a notice shall be filed which includes:*

Amend the introductory paragraph of RSA 421-B:11, II as inserted by section 15 of the bill by replacing it with the following:

II. Before the secretary of state may accept (1) articles of incorporation for a new corporation under RSA 293-A or an application for a certificate of authority for a foreign corporation under RSA 293-A, (2) a certificate of limited partnership for a new limited partnership or an application for registration of a foreign limited partnership under RSA 304-B, (3) a certificate of formation for a new limited liability company or an application for registration as a foreign limited liability company under RSA 304-C, or (4) an application for registration of a registered limited liability partnership or a notice of registration of a foreign registered limited liability partnership under RSA 304-A, the following requirements shall be met:

Amend RSA 421-B:11, II(b) as inserted by section 15 of the bill by replacing line 4 with the following:

liability company, or by one or more partners authorized to do so if a registered limited liability

Amend RSA 421-B:16, II-a as inserted by section 17 of the bill by replacing line 1 with the following:

II-a. The secretary of state may issue a stop order suspending the offer and sale of a federal covered

Amend RSA 421-B:20, II as inserted by section 20 of the bill by replacing line 6 with the following:

federally registered. *This paragraph shall not apply to offers and sales of federal covered securities.*

Amend RSA 421-B:31, III as inserted by section 22 of the bill by replacing line 3 with the following:

offering of federal covered securities, provided said fee shall not be more than \$525, shall be imposed if:

Amend RSA 421-B:31, III(d) as inserted by section 22 of the bill by replacing line 1 with the following:

(d) Federal covered securities sold in this state are more than described in the notice filing

Amend RSA 421-B:31, III(e) as inserted by section 22 of the bill by replacing line 1 with the following:

(e) The notice filing for federal covered securities sold in this state is amended to increase the Amend the bill by replacing section 24 with the following:

24 Securities Registration. RSA 421-B:11, II is repealed and reenacted to read as follows:

II.(a) Before the secretary of state may accept (1) articles of incorporation for a new corporation under RSA 293-A or an application for a certificate of authority for a foreign corporation under RSA 293-A, (2) a certificate of limited partnership for a new limited partnership or an application for registration of a foreign limited partnership under RSA 304-B, (3) a certificate of formation for a new limited liability company or an application for registration as a foreign limited liability company under RSA 304-C, or (4) an application for registration of a registered limited liability partnership or a notice of registration of a foreign registered limited liability partnership under RSA 304-A, the following requirements shall be met:

(1) Along with a \$50 filing fee, a statement shall be filed with the secretary of state that the capital stock of the corporation, memberships, or the interests of the limited partnership, registered limited liability partnership, foreign registered limited liability partnership, or limited liability company have been registered, or when offered will be registered, under this chapter or are exempted, or when offered will be exempted, under this chapter, or are or will be offered in a transaction exempted from registration under this chapter, or are not securities under this chapter, or are federal covered securities under this chapter; and, in the case of a New Hampshire corporation, limited partnership, registered limited liability partnership, or limited liability company, that the articles of incorporation or certificate of limited partnership state whether the capital stock, memberships, or interests in the limited partnership, registered limited liability partnership or limited liability company will be sold or offered for sale within the meaning of this chapter.

(2) The statement shall be signed by the incorporators of a corporation to be formed, by an executive officer of an existing corporation, by the general partners or intended general partners if a limited partnership, by one or more members or managers authorized to do so if a limited liability company, or by one or more partners authorized to do so if a registered limited liability partnership or foreign registered limited liability partnership.

(b) Notwithstanding any provision of law to the contrary, the statement filed pursuant to this paragraph shall not by itself constitute a registration, or a notice of exemption from registration, of securities within the meaning of sections 448 and 461(i)(3) of the United States Internal Revenue Code and the regulations promulgated thereunder.

25 Effective Date.

I. Section 24 of this act shall take effect August 8, 1997, at 12:02 a.m.

II. The remainder of this act shall take effect upon its passage.

Adopted.

**SB 29**, establishing the companion animal neutering fund. (Amendment printed SJ 23, 6/10/97) Adopted.

**SB 130**, relative to the portability, availability, and renewability of health coverage. (Amendment printed SJ 23, 6/10/97)

Adopted.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 157, 197, 201, 254, 289, 318, 338, 340, 344, 412, 413, 431, 436, 447, 453, 462, 472, 478, 537, 567, 582, 584, 599, 602, 611, 632, 688, 690, 696, 781, 785, 806 and 811 and Senate Bills numbered 4, 6, 18, 29, 35, 79, 130, 154, 162, 163, 172, 177, 178, 183, 194, 203 and 209.

Rep. Nowe, Sen. Barnes for the Committee

### RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 24

Wednesday, June 18, 1997

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Rev. Anna C. Beach, Pastor of the Bow Mills United Methodist Church.

Most Holy Creator God, we come to You this day with our prayers of thanksgiving for all that You have given us. As citizens of this state, we are truly blessed by the grandeur of Your creation from the awesomeness of the mountains to the surging power of the ocean. We thank You for Your people who have strived down through history to make this a land where people are free to pursue their goals and to live out their lives in a safe and secure environment. However, we know that there are those, Lord, throughout this state, even within sight of this historic chamber, who are hurting. They feel abandoned and lonely. Their needs are not being met, while their fellow citizens seem to have plenty. But, even in this midst of plenty, there is still hurt and loneliness among Your people. Grant Your loving mercy upon each man, woman, and child within this state. Lord, as this session opens today, we ask that You alone who gives wisdom and understanding will inspire the minds and hearts of all those present to whom has been committed the responsibility of government and leadership in this state. Give to them the vision of truth and justice. Allow them the necessary parameters to openly discuss and vote upon matters that relate to the people of New Hampshire. Give them insight that they may vote their conscience, on behalf of their constituents; and do not permit the coerciveness of selfish individuals and groups to cloud their thinking. We know, O God, that You would have them do what is best for all Your children. We ask Your special blessing upon our Governor as she works in cooperation with this legislative body for the betterment of this state and its residents. Give all our leaders in government new vision for the future and set their hearts on fire as they serve Your people. Give all our leaders the ability to be an example to new generations who will be the leaders in the 21<sup>st</sup> century. Give to all our leaders that humbleness that comes from being a servant in the employment of the people. We ask all these things in Your name and for the sake of Your people. Amen.

Rep. Peter Cote led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Julie Brown, Feng, Meader, Russell, Paul Taylor and Verani, the day, illness.

Reps. Boutin, Bergin, Eaton, Hilliard, Lundborn, Millard, Marsha Pelletier, Perkins, St. Hilaire and Weatherspoon, the day, important business.

Rep. Morrill, the day, illness in the family.

### INTRODUCTION OF GUESTS

Helen Holbrook, wife of Rep. Holbrook. Jorge Fullana, guest of Rep. Wheeler. Roghy Meskoob, guest of Rep. Wallin. Abigail and Asher Woods, daughter and son of Rep. Woods. Tom Veinote, guest of Reps. Thomas and Kathleen Colburn. Rod Dunlap, brother of Rep. Dunlap. Hank and Penny Arthur, guests of Rep. Peterson. Kathy Cole and Emily Hoadley, guest and mother-in-law of Rep. Hoadley. Justin Franks, son of Rep. Franks. Lewis Major, guest of Rep. Edwin Smith.

### SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration of Committee of Conference reports on House Bills signed-off after the deadline, consideration after the deadline for action and the deadline for having all bills to the Governor on **HB 2**, relative to state fees, funds, revenues, and expenditures.

Reps. Wheeler and Burling spoke in favor.

Reps. Jacobson and Mirski spoke against.

Rep. Jeb Bradley requested a roll call; sufficiently seconded.

The question being the motion to suspend the Rules.

**YEAS 313 NAYS 49****YEAS 313****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rosen, Ralph

Boriso, Thomas  
Lawton, David  
Thomas, John

Calvert, Alice  
Pilliod, James  
Turner, Robert

Golden, Paul  
Rice, Thomas, Jr.  
Veazey, John

**CARROLL**

Babson, David, Jr.  
Foster, Robert  
MacDonald, Kenneth

Bradley, Jeb  
Howard, Godfrey  
Mock, Henry

Chandler, Gene  
Kenney, Joseph  
Patten, Betsey

Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Metzger, Katherine  
Richardson, Barbara  
Smith, Edwin

Bonneau, Sarah  
Doucette, Richard  
Manning, Joseph  
O'Connell, John  
Riley, William  
Vogl, John

Burnham, Daniel  
Hunt, John  
McGuirk, Paul  
Pratt, Irene  
Robertson, Timothy

Champagne, Richard  
Lynch, Margaret  
McNamara, Wanda  
Pratt, John  
Royce, H. Charles

**COOS**

Bradley, Paula  
Guay, Lawrence  
Moynihan, Wayne

Coulombe, Henry  
Horton, Lynn  
Pratt, Leighton

Coulombe, Yvonne  
Mears, Edgar  
Tholl, John, Jr.

Davis, Perley  
Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Chase, Paul, Jr.  
Ham, Bonnie  
Luker, Elsa  
Teschner, Douglass

Almy, Susan  
Connolly, Steven  
Hill, Richard  
MacNeil, Allen  
Trelfa, Richard

Below, Clifton  
Copenhaver, Marion  
LaMott, Paul  
Nordgren, Sharon  
Williams, William, Jr.

Brown, Channing  
Guest, Robert  
Lovett, Sidney  
Phinney, William

**HILLSBOROUGH**

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Belvin, William  
Calawa, Leon, Jr.  
Chabot, Robert  
Clemons, Kevin, Sr.  
Daigle, Robert  
Dokmo, Cynthia  
Dyer, Merton  
Flora, Kathleen  
Gagnon, Eugene  
Goulet, Maurice  
Hansen, Herbert  
Holt, David  
Kelley, Robert  
LaRose, Richard  
Lessard, Rudy  
MacIntyre, Doris  
McDonald, James, Sr.  
Mercer, Robert  
Murphy, Robert  
Piteri, Dawn  
Thulander, O. Alan  
Wheeler, Robert

Alukonis, David  
Baroody, Benjamin  
Bernier, Shannon  
Cardin, Lori  
Christiansen, Lars  
Cote, David  
Daniels, Gary  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Linda  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Hart, Nick  
Hunter, Bruce  
Kelly, Michael  
Lefebvre, Roland  
Lozeau, Donnalee  
Martin, Mary  
McGough, Tim  
Messier, Irene  
O'Hearn, Jane  
Reidy, Frank  
Turgeon, Roland  
White, Donald

Ameen, W.  
Barry, William, III  
Briefs, Geoffrey  
Carlson, Donald  
Clay, Susan  
Cote, Peter  
Dawe, Eileen  
Durham, Susan  
Ferguson, Charles  
Franks, Suzan  
Golding, William  
Haley, Robert  
Herman, Keith  
Jean, Claudette  
Kurk, Neal  
Leishman, Peter  
Lynde, Harold  
McCarthy, William  
McRae, Karen  
Milligan, Robert  
O'Rourke, Thomas  
Sargent, Maxwell  
Vaillancourt, Steve

Amidon, Eleanor  
Batula, Peter  
Brundige, Robert  
Carney, Lauren  
Clemons, Jane  
D'Allesandro, Lou  
Desrosiers, William  
Dwyer, Paul, Sr.  
Fields, Dennis  
Gage, Ruth  
Gosselin, Gerald  
Hall, Betty  
Holley, Sylvia  
Johnson, Lionel  
L'Heureux, Robert  
Leonard, Peter  
MacGillivray, Jeffrey  
McCarty, Winston  
Melcher, Harold  
Morello, Michael  
Peterson, Andrew  
Searles, Stanley, Sr.  
Welch, Donald

**MERRIMACK**

Anderson, Eric  
Crowell, Peter  
Feuerstein, Martin  
Hager, Elizabeth  
Lamach, Bernard  
Maxfield, Roy  
Pfaff, Terence  
St. Cyr, Gerard  
Whittemore, James

Burney, Carol  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Langer, Ray  
Moore, Carol  
Reardon, Tara  
Wallin, Jean  
Yeaton, Charles

Chandler, Earle  
DeStefano, Stephen  
French, Barbara  
Hoadley, Elizabeth  
Leber, William  
Nichols, Avis  
Rogers, Katherine  
Wallner, Mary Jane

Crosby, Toni  
Dunn, Miriam  
Gile, Mary  
Jacobson, Alf  
Marshall, Kenneth  
Owen, Derek  
Seldin, Gloria  
Whalley, Michael

**ROCKINGHAM**

Abbott, Dennis  
Belanger, Ronald  
Case, Margaret  
Cooney, Richard  
Dodge, Robert  
Downing, Michael  
Flanders, John, Sr.  
Griffin, Mary  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langley, Jane  
Major, Norman  
McKinney, Betsy  
Noyes, Richard  
Reardon, Neil  
Stone, Joseph  
Vaughn, Charles

Aranda, M. Kathryn  
Bishop, Franklin  
Christie, Andrew, Jr.  
Cote, Patricia  
Dolan, Richard  
Felch, Charles, Sr.  
Francoeur, Sheila  
Guthrie, Joseph  
Johnson, Robert  
Kelley, Jane  
Langone, John  
Malcolm, Kenneth  
Micklon, Stephanie  
O'Keefe, Patricia  
Sabella, Norma  
Stritch, C. Donald  
Welch, David

Arndt, Janet  
Blanchard, MaryAnn  
Clark, Martha  
Cushing, Robert  
Dowd, Sandra  
Flanagan, Natalie  
Frechette, Joseph  
Heath, John  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McCarthy, John, Jr.  
Norelli, Terie  
Packard, Sherman  
Schanda, Frank  
Syracusa, Anthony  
Weyler, Kenneth

Beaulieu, Jon  
Carson, Gregory  
Coes, Betsy  
Dearborn, Bruce  
Dowling, Patricia  
Flanders, David  
Gleason, John  
Henderson, Warren  
Katsakiores, George  
Kobel, Rudolph  
Lovejoy, Marian  
McGovern, Cynthia  
Nowe, Ronald  
Pantelakos, Laura  
Simmons, John Anthony  
Tufts, J. Arthur  
Woods, Deborah

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Kaen, Naida  
Merrill, Amanda  
Rollo, Michael  
Sullivan, Henry  
Tsiros, William  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Merritt, Deborah  
Smith, Marjorie  
Taylor, Kathleen  
Twardus, Joseph

Brown, George  
Estabrook, Iris  
Knowles, William  
Musler, George  
Snyder, Clair  
Torr, Ann  
Vachon, Dennis

Callaghan, Frank  
Grassie, Anne  
McKinley, Robert  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin  
Vincent, Francis

**SULLIVAN**

Adler, Rudolf  
Donovan, Thomas  
Lindblade, Eric

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Schotanus, Merle

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

**NAYS 49****BELKNAP**

Boyce, Robert

Clark, Charles

Laflam, Robert

**CARROLL**

None

**CHESHIRE**

Steere, Myron, III

**COOS**

None

**GRAFTON**

Alger, John  
Mirski, Paul

Cobbin, Philip  
Root, John

Guaraldi, Lawrence  
Weber, Phil

Hinman, Harry

**HILLSBOROUGH**

Burke, M. Virginia  
Jean, Loren  
Mittelman, David  
Wright, George

Clegg, Robert, Jr.  
Letendre, Evelyn  
Murch, George

Fenton, James  
Luebker, Bernard  
Pepino, Leo

Healy, Daniel  
Marcinkowski, Michael  
Riley, Frances

**MERRIMACK**

Adams, Stephen  
Krueger, Patricia

Brown, Mary  
Larrabee, David

Colburn, Kathleen  
Lavoie, Gerard

Colburn, Thomas

**ROCKINGHAM**

Camm, Kevin  
Fesh, Robert  
Raynowska, Bernard  
Varrell, Thomas

Cegelis, Mark  
Gibbons, Paul  
Rubin, George

Dube, LeRoy  
Mikowski, Walter  
Smith, Kevin

Dunham, Vivian  
Moore, Benjamin  
Stickney, Nancy

**STRAFFORD**

Bickford, David

Hemon, Roland

McCann, William, Jr.

Pelletier, Arthur

**SULLIVAN**

Kibbey, David

and the motion was adopted by the necessary two thirds.

Rep. Salatiello declared a conflict of interest and did not participate.

**REGULAR CALENDAR****COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS**

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. (Report printed SJ 23, 6/10/97)

Reps. Jacobson, Boyce, McCann and Cobbin spoke against.

Reps. Alukonis and Kurk spoke in favor and yielded to questions.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference Report.

**YEAS 290 NAYS 79****YEAS 290****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Thomas, John

Boriso, Thomas  
Laffam, Robert  
Turner, Robert

Calvert, Alice  
Lawton, David  
Veazey, John

Clark, Charles  
Pilliod, James

**CARROLL**

Bradley, Jeb  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Royce, H. Charles

Bonneau, Sarah  
Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Smith, Edwin

Burnham, Daniel  
Hunt, John  
Metzger, Katherine  
Richardson, Barbara  
Vogl, John

Champagne, Richard  
Lynch, Margaret  
O'Connell, John  
Riley, William

**COOS**

Bradley, Paula  
Guay, Lawrence  
Pratt, Leighton

Coulombe, Henry  
Horton, Lynn  
Tholl, John, Jr.

Coulombe, Yvonne  
Merrill, Gerald

Davis, Perley  
Moynihan, Wayne

**GRAFTON**

Akins, Ralph  
Chase, Paul, Jr.  
Guest, Robert  
Lovett, Sidney  
Phinney, William

Almy, Susan  
Connolly, Steven  
Ham, Bonnie  
Luker, Elsa  
Teschner, Douglass

Below, Clifton  
Copenhaver, Marion  
Hill, Richard  
MacNeil, Allen  
Trelfa, Richard

Brown, Channing  
Guaraldi, Lawrence  
LaMott, Paul  
Nordgren, Sharon  
Williams, William, Jr.

**HILLSBOROUGH**

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Bernier, Shannon  
Carlson, Donald  
Clemons, Jane  
D'Allesandro, Lou  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Joseph  
Gagnon, Eugene  
Goulet, Maurice  
Holley, Sylvia  
Kelley, Robert  
LaRose, Richard  
Lozeau, DonnaLee  
McCarthy, William  
Melcher, Harold  
Morello, Michael  
Peterson, Andrew  
Searles, Stanley, Sr.  
Welch, Donald

Alukonis, David  
Baroody, Benjamin  
Briefs, Geoffrey  
Chabot, Robert  
Clemons, Kevin, Sr.  
Daigle, Robert  
Durham, Susan  
Ferguson, Charles  
Foster, Linda  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Hunter, Bruce  
Kelly, Michael  
Lefebvre, Roland  
MacAuslan, Rita  
McCarty, Winston  
Mercer, Robert  
Murphy, Robert  
Piteri, Dawn  
Thulander, O. Alan  
Wheeler, Robert

Ameen, W.  
Barry, William, III  
Calawa, Leon, Jr.  
Christiansen, Lars  
Cote, David  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Fields, Dennis  
Franks, Suzan  
Golding, William  
Hansen, Herbert  
Jean, Claudette  
Kurk, Neal  
Leishman, Peter  
MacIntyre, Doris  
McDonald, James, Sr.  
Messier, Irene  
O'Hearn, Jane  
Reidy, Frank  
Turgeon, Roland

Amidon, Eleanor  
Belvin, William  
Cardin, Lori  
Clay, Susan  
Cote, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Flora, Kathleen  
Gage, Ruth  
Gosselin, Gerald  
Hart, Nick  
Johnson, Lionel  
L'Heureux, Robert  
Leonard, Peter  
Martin, Mary  
McRae, Karen  
Milligan, Robert  
O'Rourke, Thomas  
Sargent, Maxwell  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Crowell, Peter  
Feuerstein, Martin  
Hager, Elizabeth  
Leber, William  
Moore, Carol  
Reardon, Tara  
Wallin, Jean  
Yeaton, Charles

Burney, Carol  
Daneault, Gabriel  
Fraser, Marilyn  
Hoadley, Elizabeth  
Lockwood, Robert  
Nichols, Avis  
Rogers, Katherine  
Wallner, Mary Jane

Chandler, Earle  
DeStefano, Stephen  
French, Barbara  
Lamach, Bernard  
Marshall, Kenneth  
Owen, Derek  
Seldin, Gloria  
Whalley, Michael

Crosby, Toni  
Dunn, Miriam  
Gile, Mary  
Langer, Ray  
Maxfield, Roy  
Pfaff, Terence  
St. Cyr, Gerard  
Whittemore, James

**ROCKINGHAM**

Abbott, Dennis  
Belanger, Ronald  
Cegelis, Mark  
Cooney, Richard  
Dolan, Richard  
Felch, Charles, Sr.  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, George

Aranda, M. Kathryn  
Blanchard, MaryAnn  
Christie, Andrew, Jr.  
Cote, Patricia  
Dowd, Sandra  
Flanagan, Natalie  
Frechette, Joseph  
Hutchinson, Rebecca  
Katsakiores, Phyllis

Arndt, Janet  
Carson, Gregory  
Clark, Martha  
Dearborn, Bruce  
Dowling, Patricia  
Flanders, David  
Gleason, John  
Johnson, Robert  
Kelley, Jane

Battles-Peirce, Marjorie  
Case, Margaret  
Coes, Betsy  
Dodge, Robert  
Downing, Michael  
Flanders, John, Sr.  
Heath, John  
Kane, Cecelia  
Klemm, Arthur, Jr.

Kobel, Rudolph  
Major, Norman  
McKinney, Betsy  
Noyes, Richard  
Reardon, Neil  
Stone, Joseph  
Vaughn, Charles

Langley, Jane  
Malcolm, Kenneth  
Micklon, Stephanie  
Packard, Sherman  
Sabella, Norma  
Stritch, C. Donald  
Welch, David

Langone, John  
McCarthy, John, Jr.  
Norelli, Terie  
Pantelakos, Laura  
Schanda, Frank  
Syracusa, Anthony  
Weyler, Kenneth

Lovejoy, Marian  
McGovern, Cynthia  
Nowe, Ronald  
Raynowska, Bernard  
Simmons, John Anthony  
Tufts, J. Arthur  
Woods, Deborah

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Torr, Ann  
Vachon, Dennis

Brennan, William  
Estabrook, Iris  
McKinley, Robert  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin  
Vincent, Francis

Brown, George  
Grassie, Anne  
Merrill, Amanda  
Rollo, Michael  
Sullivan, Henry  
Tsiros, William  
Wall, Janet

Callaghan, Frank  
Kaen, Naida  
Merritt, Deborah  
Smith, Marjorie  
Taylor, Kathleen  
Twardus, Joseph

### SULLIVAN

Adler, Rudolf  
Donovan, Thomas  
Lindblade, Eric

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Schotanus, Merle

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

### NAYS 79

### BELKNAP

Boyce, Robert  
Rosen, Ralph

Golden, Paul

Hurt, George

Rice, Thomas, Jr.

### CARROLL

Babson, David, Jr.

### CHESHIRE

Manning, Joseph

McNamara, Wanda

Robertson, Timothy

Steere, Myron, III

### COOS

Mears, Edgar

### GRAFTON

Alger, John  
Root, John

Cobbin, Philip  
Weber, Phil

Hinman, Harry

Mirski, Paul

### HILLSBOROUGH

Asselin, Robert  
Carney, Lauren  
Fenton, James  
Herman, Keith  
Letendre, Evelyn  
Marcinkowski, Michael  
Pepino, Leo

Batula, Peter  
Clegg, Robert, Jr.  
Haley, Robert  
Holt, David  
Luebkert, Bernard  
McGough, Tim  
Riley, Frances

Brundige, Robert  
Daniels, Gary  
Hall, Betty  
Jean, Loren  
Lynde, Harold  
Mittelman, David  
White, Donald

Burke, M. Virginia  
Desrosiers, William  
Healy, Daniel  
Lessard, Rudy  
MacGillivray, Jeffrey  
Murch, George  
Wright, George

### MERRIMACK

Adams, Stephen  
Hess, David  
Lavoie, Gerard

Brown, Mary  
Jacobson, Alf

Colburn, Kathleen  
Krueger, Patricia

Colburn, Thomas  
Larrabee, David

### ROCKINGHAM

Beaulieu, Jon  
Dube, LeRoy

Bishop, Franklin  
Dunham, Vivian

Camm, Kevin  
Fesh, Robert

Cushing, Robert  
Gibbons, Paul

Griffin, Mary  
Moore, Benjamin  
Smith, Kevin

Guthrie, Joseph  
Morris, Debbie  
Stickney, Nancy

Letourneau, Robert  
O'Keefe, Patricia  
Varrell, Thomas

Mikowski, Walter  
Rubin, George

### STRAFFORD

Bickford, David  
McCann, William, Jr.

DeChane, Marlene

Hemon, Roland

Keans, Sandra

### SULLIVAN

Kibbey, David

and the report was adopted.

Rep. Simmons voted yea and intended to vote nay.

Rep. Salatiello declared a conflict of interest and did not participate.

### SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration of Committee of Conference reports on House Bills signed-off after the deadline, consideration after the deadline for action and the deadline for having all bills to the Governor on **HB 1**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1998, and June 30, 1999,

Reps. Vaillancourt, Burling and Wheeler spoke in favor.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the motion to suspend the Rules.

### YEAS 330 NAYS 38

#### YEAS 330

#### BELKNAP

Bartlett, Gordon  
Golden, Paul  
Lawton, David  
Turner, Robert

Boriso, Thomas  
Holbrook, Robert  
Pilliod, James  
Veazey, John

Calvert, Alice  
Hurt, George  
Rosen, Ralph

Clark, Charles  
Laflam, Robert  
Thomas, John

#### CARROLL

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

#### CHESHIRE

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Metzger, Katherine  
Richardson, Barbara  
Smith, Edwin

Bonneau, Sarah  
Doucette, Richard  
Manning, Joseph  
O'Connell, John  
Riley, William  
Steere, Myron, III

Burnham, Daniel  
Hunt, John  
McGuirk, Paul  
Pratt, Irene  
Robertson, Timothy  
Vogl, John

Champagne, Richard  
Lynch, Margaret  
McNamara, Wanda  
Pratt, John  
Royce, H. Charles

#### COOS

Bradley, Paula  
Guay, Lawrence  
Moynihan, Wayne

Coulombe, Henry  
Horton, Lynn  
Pratt, Leighton

Coulombe, Yvonne  
Mears, Edgar  
Tholl, John, Jr.

Davis, Perley  
Merrill, Gerald

#### GRAFTON

Akins, Ralph  
Chase, Paul, Jr.  
Ham, Bonnie  
Luker, Elsa  
Teschner, Douglass

Almy, Susan  
Connolly, Steven  
Hill, Richard  
MacNeil, Allen  
Trelfa, Richard

Below, Clifton  
Copenhaver, Marion  
LaMott, Paul  
Nordgren, Sharon  
Williams, William, Jr.

Brown, Channing  
Guest, Robert  
Lovett, Sidney  
Phinney, William

**HILLSBOROUGH**

|                         |                            |                       |                     |
|-------------------------|----------------------------|-----------------------|---------------------|
| Allen, W. Gordon        | Alukonis, David            | Ameen, W.             | Amidon, Eleanor     |
| Arnold, Thomas, Jr.     | Asselin, Robert            | Baroody, Benjamin     | Barry, William, III |
| Batula, Peter           | Belvin, William            | Bernier, Shannon      | Briefs, Geoffrey    |
| Brundige, Robert        | Burke, M. Virginia         | Calawa, Leon, Jr.     | Cardin, Lori        |
| Carlson, Donald         | Carney, Lauren             | Chabot, Robert        | Christiansen, Lars  |
| Clay, Susan             | Clegg, Robert, Jr.         | Clemons, Jane         | Clemons, Kevin, Sr. |
| Cote, David             | Cote, Peter                | D'Allesandro, Lou     | Daigle, Robert      |
| Daniels, Gary           | Dawe, Eileen               | Desrosiers, William   | Dokmo, Cynthia      |
| Drabinowicz, A. Theresa | Durham, Susan              | Dwyer, Paul, Sr.      | Dyer, Merton        |
| Emerton, Lawrence, Sr.  | Ferguson, Charles          | Fields, Dennis        | Flora, Kathleen     |
| Foster, Joseph          | Foster, Linda              | Franks, Suzan         | Gage, Ruth          |
| Gagnon, Eugene          | Ginsburg, Ruth             | Golding, William      | Gosselin, Gerald    |
| Goulet, Maurice         | Haettenschwiller, Alphonse | Haley, Robert         | Hall, Betty         |
| Hansen, Herbert         | Hart, Nick                 | Herman, Keith         | Holley, Sylvia      |
| Holt, David             | Hunter, Bruce              | Jean, Claudette       | Johnson, Lionel     |
| Kelley, Robert          | Kelly, Michael             | Kurk, Neal            | L'Heureux, Robert   |
| LaRose, Richard         | Lefebvre, Roland           | Leishman, Peter       | Leonard, Peter      |
| Lessard, Rudy           | Letendre, Evelyn           | Lozeau, Donnalee      | Lynde, Harold       |
| MacAuslan, Rita         | MacGillivray, Jeffrey      | MacIntyre, Doris      | Martin, Mary        |
| McCarthy, William       | McCarty, Winston           | McDonald, James, Sr.  | McGough, Tim        |
| McRae, Karen            | Melcher, Harold            | Mercer, Robert        | Messier, Irene      |
| Milligan, Robert        | Morello, Michael           | Murphy, Robert        | O'Hearn, Jane       |
| O'Rourke, Thomas        | Peterson, Andrew           | Piteri, Dawn          | Reidy, Frank        |
| Riley, Frances          | Sargent, Maxwell           | Searles, Stanley, Sr. | Thulander, O. Alan  |
| Turgeon, Roland         | Vaillancourt, Steve        | Welch, Donald         | Wheeler, Robert     |
| White, Donald           |                            |                       |                     |

**MERRIMACK**

|                    |                   |                    |                    |
|--------------------|-------------------|--------------------|--------------------|
| Anderson, Eric     | Burney, Carol     | Chandler, Earle    | Crosby, Toni       |
| Crowell, Peter     | Daneault, Gabriel | DeStefano, Stephen | Dunn, Miriam       |
| Feuerstein, Martin | Fraser, Marilyn   | French, Barbara    | Gile, Mary         |
| Hager, Elizabeth   | Hess, David       | Hoadley, Elizabeth | Jacobson, Alf      |
| Lamach, Bernard    | Langer, Ray       | Leber, William     | Lockwood, Robert   |
| Marshall, Kenneth  | Maxfield, Roy     | Moore, Carol       | Nichols, Avis      |
| Owen, Derek        | Pfaff, Terence    | Reardon, Tara      | Rogers, Katherine  |
| Seldin, Gloria     | St. Cyr, Gerard   | Wallin, Jean       | Wallner, Mary Jane |
| Whalley, Michael   | Whittemore, James | Yeaton, Charles    |                    |

**ROCKINGHAM**

|                    |                     |                     |                          |
|--------------------|---------------------|---------------------|--------------------------|
| Abbott, Dennis     | Aranda, M. Kathryn  | Arndt, Janet        | Battles-Peirce, Marjorie |
| Beaulieu, Jon      | Belanger, Ronald    | Bishop, Franklin    | Blanchard, MaryAnn       |
| Carson, Gregory    | Case, Margaret      | Cegelis, Mark       | Christie, Andrew, Jr.    |
| Clark, Martha      | Coes, Betsy         | Cooney, Richard     | Cote, Patricia           |
| Cushing, Robert    | Dearborn, Bruce     | Dodge, Robert       | Dolan, Richard           |
| Dowd, Sandra       | Dowling, Patricia   | Downing, Michael    | Felch, Charles, Sr.      |
| Fesh, Robert       | Flanagan, Natalie   | Flanders, David     | Flanders, John, Sr.      |
| Francoeur, Sheila  | Frechette, Joseph   | Gleason, John       | Griffin, Mary            |
| Guthrie, Joseph    | Heath, John         | Henderson, Warren   | Hutchinson, Rebecca      |
| Johnson, Robert    | Kane, Cecelia       | Katsakiores, George | Katsakiores, Phyllis     |
| Kelley, Jane       | Klemm, Arthur, Jr.  | Kobel, Rudolph      | Langley, Jane            |
| Langone, John      | Letourneau, Robert  | Lovejoy, Marian     | Major, Norman            |
| Malcolm, Kenneth   | McCarthy, John, Jr. | McGovern, Cynthia   | McKinney, Betsy          |
| Micklon, Stephanie | Norelli, Terie      | Nowe, Ronald        | Noyes, Richard           |
| O'Keefe, Patricia  | Packard, Sherman    | Pantelakos, Laura   | Reardon, Neil            |
| Rubin, George      | Sabella, Norma      | Schanda, Frank      | Simmons, John Anthony    |

Stone, Joseph  
Varrell, Thomas  
Woods, Deborah

Stritch, C. Donald  
Vaughn, Charles

Syracusa, Anthony  
Welch, David

Tufts, J. Arthur  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Grassie, Anne  
McKinley, Robert  
Rollo, Michael  
Sullivan, Henry  
Tsiros, William  
Wall, Janet

Bickford, David  
DeChane, Marlene  
Kaen, Naida  
Merrill, Amanda  
Smith, Marjorie  
Taylor, Kathleen  
Twardus, Joseph

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Merritt, Deborah  
Snyder, Clair  
Torr, Ann  
Vachon, Dennis

Brown, George  
Estabrook, Iris  
Knowles, William  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin  
Vincent, Francis

### SULLIVAN

Adler, Rudolf  
Donovan, Thomas  
Lindblade, Eric

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Schotanus, Merle

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

### NAYS 38

### BELKNAP

Boyce, Robert

### CARROLL

None

### CHESHIRE

None

### COOS

None

### GRAFTON

Alger, John  
Mirski, Paul

Cobbin, Philip  
Root, John

Guaraldi, Lawrence  
Weber, Phil

Hinman, Harry

### HILLSBOROUGH

Fenton, James  
Marcinkowski, Michael  
Wright, George

Healy, Daniel  
Mittelman, David

Jean, Loren  
Murch, George

Luebker, Bernard  
Pepino, Leo

### MERRIMACK

Adams, Stephen  
Krueger, Patricia

Brown, Mary  
Larrabee, David

Colburn, Kathleen  
Lavoie, Gerard

Colburn, Thomas

### ROCKINGHAM

Camm, Kevin  
Mikowski, Walter  
Smith, Kevin

Dube, LeRoy  
Moore, Benjamin  
Stickney, Nancy

Dunham, Vivian  
Morris, Debbie

Gibbons, Paul  
Raynowska, Bernard

### STRAFFORD

Hemon, Roland

McCann, William, Jr.

Pelletier, Arthur

### SULLIVAN

Kibbey, David

and the motion was adopted by the necessary two-thirds.  
Rep. Salatiello declared a conflict of interest and did not participate.

**COMMITTEE OF CONFERENCE REPORT**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1998 and June 30, 1999. (Report printed SJ 23, 6/10/97)

Reps. Mary Brown, Healy and Mirski spoke against.

Rep. Robertson spoke against and yielded to questions.

Rep. Kurk spoke in favor and yielded to questions.

Reps. Vaughn and Henderson spoke in favor.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference Report.

**YEAS 293 NAYS 71****YEAS 293****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rosen, Ralph

Boriso, Thomas  
Laflam, Robert  
Thomas, John

Calvert, Alice  
Lawton, David  
Turner, Robert

Clark, Charles  
Pilliod, James  
Veazey, John

**CARROLL**

Bradley, Jeb  
Howard, Godfrey  
Mock, Henry

Chandler, Gene  
Kenney, Joseph  
Patten, Betsey

Cooper, Kipp  
Lyman, L. Randy  
Philbrick, Donald

Dickinson, Howard, Jr.  
MacDonald, Kenneth

**CHESHIRE**

Avery, Stephen  
Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Smith, Edwin

Burnham, Daniel  
Hunt, John  
Metzger, Katherine  
Richardson, Barbara  
Vogl, John

Champagne, Richard  
Lynch, Margaret  
O'Connell, John  
Riley, William

DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Royce, H. Charles

**COOS**

Bradley, Paula  
Guay, Lawrence  
Moynihan, Wayne

Coulombe, Henry  
Horton, Lynn  
Pratt, Leighton

Coulombe, Yvonne  
Mears, Edgar  
Tholl, John, Jr.

Davis, Perley  
Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Copenhaver, Marion  
LaMott, Paul  
Nordgren, Sharon  
Williams, William, Jr.

Almy, Susan  
Guest, Robert  
Lovett, Sidney  
Phinney, William

Brown, Channing  
Ham, Bonnie  
Luker, Elsa  
Teschner, Douglass

Chase, Paul, Jr.  
Hill, Richard  
MacNeil, Allen  
Trelfa, Richard

**HILLSBOROUGH**

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Belvin, William  
Carlson, Donald  
Clemons, Jane  
Daigle, Robert  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Joseph  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Herman, Keith  
Jean, Claudette  
Kurk, Neal

Alukonis, David  
Asselin, Robert  
Briefs, Geoffrey  
Chabot, Robert  
Cote, David  
Daniels, Gary  
Durham, Susan  
Fenton, James  
Foster, Linda  
Ginsburg, Ruth  
Haley, Robert  
Holley, Sylvia  
Johnson, Lionel  
L'Heureux, Robert

Ameen, W.  
Baroody, Benjamin  
Calawa, Leon, Jr.  
Christiansen, Lars  
Cote, Peter  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Ferguson, Charles  
Franks, Suzan  
Golding, William  
Hansen, Herbert  
Holt, David  
Kelley, Robert  
LaRose, Richard

Amidon, Eleanor  
Barry, William, III  
Cardin, Lori  
Clay, Susan  
D'Allesandro, Lou  
Dokmo, Cynthia  
Dyer, Merton  
Fields, Dennis  
Gage, Ruth  
Gosselin, Gerald  
Hart, Nick  
Hunter, Bruce  
Kelly, Michael  
Lefebvre, Roland

Leishman, Peter  
MacAuslan, Rita  
McDonald, James, Sr.  
Messier, Irene  
O'Hearn, Jane  
Reidy, Frank  
Turgeon, Roland

Leonard, Peter  
MacIntyre, Doris  
McRae, Karen  
Milligan, Robert  
O'Rourke, Thomas  
Sargent, Maxwell  
Vaillancourt, Steve

Lozeau, Donnalee  
McCarthy, William  
Melcher, Harold  
Morello, Michael  
Peterson, Andrew  
Searles, Stanley, Sr.  
Welch, Donald

Lynde, Harold  
McCarty, Winston  
Mercer, Robert  
Murphy, Robert  
Piteri, Dawn  
Thulander, O. Alan  
Wheeler, Robert

## MERRIMACK

Anderson, Eric  
Crowell, Peter  
Feuerstein, Martin  
Hager, Elizabeth  
Lamach, Bernard  
Lockwood, Robert  
Nichols, Avis  
Rogers, Katherine  
Wallner, Mary Jane

Burney, Carol  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Langer, Ray  
Marshall, Kenneth  
Owen, Derek  
Seldin, Gloria  
Whalley, Michael

Chandler, Earle  
DeStefano, Stephen  
French, Barbara  
Hoadley, Elizabeth  
Lavoie, Gerard  
Maxfield, Roy  
Pfaff, Terence  
St. Cyr, Gerard  
Whittemore, James

Crosby, Toni  
Dunn, Miriam  
Gile, Mary  
Jacobson, Alf  
Leber, William  
Moore, Carol  
Reardon, Tara  
Wallin, Jean  
Yeaton, Charles

## ROCKINGHAM

Abbott, Dennis  
Belanger, Ronald  
Cegelis, Mark  
Cooney, Richard  
Dolan, Richard  
Felch, Charles, Sr.  
Francoeur, Sheila  
Guthrie, Joseph  
Johnson, Robert  
Kelley, Jane  
Langone, John  
McCarthy, John, Jr.  
Nowe, Ronald  
Reardon, Neil  
Stitch, C. Donald  
Welch, David

Aranda, M. Kathryn  
Bishop, Franklin  
Christie, Andrew, Jr.  
Cote, Patricia  
Dowd, Sandra  
Flanagan, Natalie  
Frechette, Joseph  
Heath, John  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Lovejoy, Marian  
McGovern, Cynthia  
Noyes, Richard  
Sabella, Norma  
Syracusa, Anthony  
Weyler, Kenneth

Arndt, Janet  
Blanchard, MaryAnn  
Clark, Martha  
Cushing, Robert  
Dowling, Patricia  
Flanders, David  
Gleason, John  
Henderson, Warren  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
McKinney, Betsy  
Packard, Sherman  
Schanda, Frank  
Tufts, J. Arthur  
Woods, Deborah

Battles-Peirce, Marjorie  
Case, Margaret  
Coes, Betsy  
Dearborn, Bruce  
Downing, Michael  
Flanders, John, Sr.  
Griffin, Mary  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langley, Jane  
Malcolm, Kenneth  
Norelli, Terie  
Pantelakos, Laura  
Stone, Joseph  
Vaughn, Charles

## STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Kaen, Naida  
Merrill, Amanda  
Rollo, Michael  
Sullivan, Henry  
Tsiros, William  
Wall, Janet

Brennan, William  
Estabrook, Iris  
Keans, Sandra  
Merritt, Deborah  
Smith, Marjorie  
Taylor, Kathleen  
Twardus, Joseph

Brown, George  
Grassie, Anne  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Torr, Ann  
Vachon, Dennis

Callaghan, Frank  
Hemon, Roland  
McKinley, Robert  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin  
Vincent, Francis

## SULLIVAN

Adler, Rudolf  
Donovan, Thomas  
Lindblade, Eric

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Schotanus, Merle

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

## NAYS 71

## BELKNAP

Boyce, Robert

Golden, Paul

Hurt, George

Rice, Thomas, Jr.

## CARROLL

Babson, David, Jr.

Foster, Robert

**CHESHIRE**

Manning, Joseph

McNamara, Wanda

Robertson, Timothy

Steere, Myron, III

**COOS**

None

**GRAFTON**

Alger, John

Cobbin, Philip

Connolly, Steven

Guaraldi, Lawrence

Hinman, Harry

Mirski, Paul

Root, John

Weber, Phil

**HILLSBOROUGH**

Batula, Peter

Bernier, Shannon

Brundige, Robert

Burke, M. Virginia

Carney, Lauren

Clegg, Robert, Jr.

Desrosiers, William

Flora, Kathleen

Goulet, Maurice

Hall, Betty

Jean, Loren

Lessard, Rudy

Letendre, Evelyn

Luebker, Bernard

MacGillivray, Jeffrey

Marcinkowski, Michael

McGough, Tim

Mittelman, David

Murch, George

Pepino, Leo

Riley, Frances

White, Donald

Wright, George

**MERRIMACK**

Adams, Stephen

Brown, Mary

Colburn, Kathleen

Colburn, Thomas

Krueger, Patricia

Larrabee, David

**ROCKINGHAM**

Beaulieu, Jon

Camm, Kevin

Carson, Gregory

Dodge, Robert

Dube, LeRoy

Dunham, Vivian

Fesh, Robert

Gibbons, Paul

Letourneau, Robert

Micklon, Stephanie

Mikowski, Walter

Moore, Benjamin

Morris, Debbie

O'Keefe, Patricia

Raynowska, Bernard

Rubin, George

Simmons, John Anthony

Smith, Kevin

Stickney, Nancy

Varrell, Thomas

**STRAFFORD**

Bickford, David

DeChane, Marlene

McCann, William, Jr.

**SULLIVAN**

Kibbey, David

and the report was adopted.

Rep. Healy did not vote and wished to be recorded against.

Rep. Salatiello declared a conflict of interest and did not participate.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Steere requested that his protest be entered on the Journal.

The budget fails to fully fund foundation aid for education which would reduce property taxes for the citizens of the state. The budget adds new programs and costs to the cities and towns without guaranteeing full funding. The state budget should fund existing programs before adding new programs and costs which may increase property taxes for our citizens.

**SUSPENSION OF RULES**

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration beyond the deadline for action and the deadline for having all bills to the Governor of the Committee of Conference Report on **HB 25**, making appropriations for capital improvements and establishing a committee to study federal buildings and patients needs relative to the veterans' home.

Reps. Wheeler and Burling spoke in favor.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the motion to suspend the Rules.

**YEAS 340 NAYS 22****YEAS 340  
BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Lawton, David  
Salatiello, Thomas

Boriso, Thomas  
Holbrook, Robert  
Pilliod, James  
Thomas, John

Calvert, Alice  
Hurt, George  
Rice, Thomas, Jr.  
Turner, Robert

Clark, Charles  
Laflam, Robert  
Rosen, Ralph  
Veazey, John

**CARROLL**

Babson, David, Jr.  
Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Bradley, Jeb  
Foster, Robert  
MacDonald, Kenneth

Chandler, Gene  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Metzger, Katherine  
Richardson, Barbara  
Smith, Edwin

Bonneau, Sarah  
Doucette, Richard  
Manning, Joseph  
O'Connell, John  
Riley, William  
Steere, Myron, III

Burnham, Daniel  
Hunt, John  
McGuirk, Paul  
Pratt, Irene  
Robertson, Timothy  
Vogl, John

Champagne, Richard  
Lynch, Margaret  
McNamara, Wanda  
Pratt, John  
Royce, H. Charles

**COOS**

Bradley, Paula  
Guay, Lawrence  
Moynihn, Wayne

Coulombe, Henry  
Horton, Lynn  
Pratt, Leighton

Coulombe, Yvonne  
Mears, Edgar  
Tholl, John, Jr.

Davis, Perley  
Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Chase, Paul, Jr.  
Guest, Robert  
LaMott, Paul  
Nordgren, Sharon  
Williams, William, Jr.

Alger, John  
Connolly, Steven  
Ham, Bonnie  
Lovett, Sidney  
Phinney, William

Almy, Susan  
Copenhaver, Marion  
Hill, Richard  
Luker, Elsa  
Teschner, Douglass

Brown, Channing  
Guaraldi, Lawrence  
Hinman, Harry  
MacNeil, Allen  
Trelfa, Richard

**HILLSBOROUGH**

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Batula, Peter  
Brundige, Robert  
Carlson, Donald  
Clegg, Robert, Jr.  
D'Allesandro, Lou  
Desrosiers, William  
Dwyer, Paul, Sr.  
Ferguson, Charles  
Foster, Linda  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Hart, Nick  
Hunter, Bruce  
Kelly, Michael  
Leishman, Peter  
Lozeau, Donnalee  
MacGillivray, Jeffrey

Alukonis, David  
Asselin, Robert  
Belvin, William  
Burke, M. Virginia  
Carney, Lauren  
Clemons, Jane  
Daigle, Robert  
Dokmo, Cynthia  
Dyer, Merton  
Fields, Dennis  
Franks, Suzan  
Golding, William  
Haley, Robert  
Herman, Keith  
Jean, Claudette  
Kurk, Neal  
Leonard, Peter  
Luebker, Bernard  
MacIntyre, Doris

Ameen, W.  
Baroody, Benjamin  
Bernier, Shannon  
Calawa, Leon, Jr.  
Chabot, Robert  
Cote, David  
Daniels, Gary  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Flora, Kathleen  
Gage, Ruth  
Gosselin, Gerald  
Hall, Betty  
Holley, Sylvia  
Johnson, Lionel  
L'Heureux, Robert  
Lessard, Rudy  
Lynde, Harold  
McCarty, Winston

Amidon, Eleanor  
Barry, William, III  
Briefs, Geoffrey  
Cardin, Lori  
Clay, Susan  
Cote, Peter  
Dawe, Eileen  
Durham, Susan  
Fenton, James  
Foster, Joseph  
Gagnon, Eugene  
Goulet, Maurice  
Hansen, Herbert  
Holt, David  
Kelley, Robert  
Lefebvre, Roland  
Letendre, Evelyn  
MacAuslan, Rita  
McDonald, James, Sr.

McGough, Tim  
Messier, Irene  
Murch, George  
Peterson, Andrew  
Sargent, Maxwell  
Vaillancourt, Steve  
Wright, George

McRae, Karen  
Milligan, Robert  
Murphy, Robert  
Piteri, Dawn  
Searles, Stanley, Sr.  
Welch, Donald

Melcher, Harold  
Mittelman, David  
O'Hearn, Jane  
Reidy, Frank  
Thulander, O. Alan  
Wheeler, Robert

Mercer, Robert  
Morello, Michael  
O'Rourke, Thomas  
Riley, Frances  
Turgeon, Roland  
White, Donald

## MERRIMACK

Adams, Stephen  
Crosby, Toni  
Feuerstein, Martin  
Hager, Elizabeth  
Lamach, Bernard  
Lockwood, Robert  
Nichols, Avis  
Rogers, Katherine  
Wallner, Mary Jane

Anderson, Eric  
Crowell, Peter  
Fraser, Marilyn  
Hess, David  
Langer, Ray  
Marshall, Kenneth  
Owen, Derek  
Seldin, Gloria  
Whalley, Michael

Burney, Carol  
Daneault, Gabriel  
French, Barbara  
Hoadley, Elizabeth  
Larrabee, David  
Maxfield, Roy  
Pfaff, Terence  
St. Cyr, Gerard  
Whittemore, James

Chandler, Earle  
Dunn, Miriam  
Gile, Mary  
Jacobson, Alf  
Leber, William  
Moore, Carol  
Reardon, Tara  
Wallin, Jean  
Yeaton, Charles

## ROCKINGHAM

Abbott, Dennis  
Beaulieu, Jon  
Carson, Gregory  
Clark, Martha  
Cushing, Robert  
Dowd, Sandra  
Felch, Charles, Sr.  
Flanders, John, Sr.  
Gleason, John  
Henderson, Warren  
Katsakiores, George  
Kobel, Rudolph  
Lovejoy, Marian  
McGovern, Cynthia  
Norelli, Terie  
Packard, Sherman  
Sabella, Norma  
Stritch, C. Donald  
Welch, David

Aranda, M. Kathryn  
Belanger, Ronald  
Case, Margaret  
Coes, Betsy  
Dearborn, Bruce  
Dowling, Patricia  
Fesh, Robert  
Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langley, Jane  
Major, Norman  
McKinney, Betsy  
Nowe, Ronald  
Pantelakos, Laura  
Schanda, Frank  
Syracusa, Anthony  
Weyler, Kenneth

Arndt, Janet  
Bishop, Franklin  
Cegelis, Mark  
Cooney, Richard  
Dodge, Robert  
Downing, Michael  
Flanagan, Natalie  
Frechette, Joseph  
Guthrie, Joseph  
Johnson, Robert  
Kelley, Jane  
Langone, John  
Malcolm, Kenneth  
Micklon, Stephanie  
Noyes, Richard  
Reardon, Neil  
Simmons, John Anthony  
Tufts, J. Arthur  
Woods, Deborah

Battles-Peirce, Marjorie  
Blanchard, MaryAnn  
Christie, Andrew, Jr.  
Cote, Patricia  
Dolan, Richard  
Dunham, Vivian  
Flanders, David  
Gibbons, Paul  
Heath, John  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McCarthy, John, Jr.  
Moore, Benjamin  
O'Keefe, Patricia  
Rubin, George  
Stone, Joseph  
Vaughn, Charles

## STRAFFORD

Berube, Roger  
Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Smith, Marjorie  
Taylor, Kathleen  
Twardus, Joseph

Bickford, David  
DeChane, Marlene  
Hemon, Roland  
McCann, William, Jr.  
Pelletier, Arthur  
Snyder, Clair  
Torr, Ann  
Vachon, Dennis

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
McKinley, Robert  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin  
Vincent, Francis

Brown, George  
Estabrook, Iris  
Keans, Sandra  
Merrill, Amanda  
Rollo, Michael  
Sullivan, Henry  
Tsiros, William  
Wall, Janet

## SULLIVAN

Adler, Rudolf  
Donovan, Thomas  
Lindblade, Eric

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Schotanus, Merle

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

**NAYS 22**  
**BELKNAP**

Boyce, Robert

**CARROLL**

None

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

Cobbin, Philip

Mirski, Paul

Root, John

Weber, Phil

**HILLSBOROUGH**

Jean, Loren

Marcinkowski, Michael

Pepino, Leo

**MERRIMACK**

Brown, Mary

Colburn, Kathleen

Colburn, Thomas

Krueger, Patricia

Lavoie, Gerard

**ROCKINGHAM**

Camm, Kevin

Dube, LeRoy

Mikowski, Walter

Morris, Debbie

Raynowska, Bernard

Smith, Kevin

Stickney, Nancy

Varrell, Thomas

**STRAFFORD**

None

**SULLIVAN**

Kibbey, David

and the motion was adopted by the necessary two-thirds.

Rep. DeStefano did not vote and wished to be recorded in favor.

**COMMITTEE OF CONFERENCE REPORT**

**HB 25-A**, making appropriations for capital improvements and establishing a committee to study federal buildings and patients needs relative to the veterans' home. (Report printed SJ 23, 6/10/97)

Reps. Benjamin Moore and Gene Chandler spoke in favor.

Rep. Wheeler requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference Report.

**YEAS 337 NAYS 27**

**YEAS 337**  
**BELKNAP**

Bartlett, Gordon

Boriso, Thomas

Calvert, Alice

Clark, Charles

Golden, Paul

Holbrook, Robert

Laffam, Robert

Lawton, David

Pilliod, James

Rosen, Ralph

Salatiello, Thomas

Thomas, John

Turner, Robert

Veazey, John

**CARROLL**

Babson, David, Jr.

Bradley, Jeb

Chandler, Gene

Cooper, Kipp

Dickinson, Howard, Jr.

Foster, Robert

Howard, Godfrey

Kenney, Joseph

Lyman, L. Randy

MacDonald, Kenneth

Mock, Henry

Patten, Betsey

Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Metzger, Katherine  
Richardson, Barbara  
Smith, Edwin

Bonneau, Sarah  
Doucette, Richard  
Manning, Joseph  
O'Connell, John  
Riley, William  
Steere, Myron, III

Burnham, Daniel  
Hunt, John  
McGuirk, Paul  
Pratt, Irene  
Robertson, Timothy  
Vogl, John

Champagne, Richard  
Lynch, Margaret  
McNamara, Wanda  
Pratt, John  
Royce, H. Charles

**COOS**

Bradley, Paula  
Guay, Lawrence  
Moynihan, Wayne

Coulombe, Henry  
Horton, Lynn  
Pratt, Leighton

Coulombe, Yvonne  
Mears, Edgar  
Tholl, John, Jr.

Davis, Perley  
Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Brown, Channing  
Guaraldi, Lawrence  
Hinman, Harry  
MacNeil, Allen  
Teschner, Douglass

Alger, John  
Chase, Paul, Jr.  
Guest, Robert  
LaMott, Paul  
Nordgren, Sharon  
Trelfa, Richard

Almy, Susan  
Connolly, Steven  
Ham, Bonnie  
Lovett, Sidney  
Phinney, William  
Williams, William, Jr.

Below, Clifton  
Copenhaver, Marion  
Hill, Richard  
Luker, Elsa  
Root, John

**HILLSBOROUGH**

Allen, W. Gordon  
Arnold, Thomas, Jr.  
Belvin, William  
Cardin, Lori  
Christiansen, Lars  
Cote, David  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Ferguson, Charles  
Foster, Linda  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Hart, Nick  
Jean, Claudette  
Kurk, Neal  
Lessard, Rudy  
MacAuslan, Rita  
McCarty, Winston  
Melcher, Harold  
Mittelman, David  
O'Hearn, Jane  
Reidy, Frank  
Turgeon, Roland  
White, Donald

Alukonis, David  
Asselin, Robert  
Bernier, Shannon  
Carlson, Donald  
Clay, Susan  
Cote, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Fields, Dennis  
Franks, Suzan  
Golding, William  
Haley, Robert  
Holley, Sylvia  
Johnson, Lionel  
Lefebvre, Roland  
Lozeau, Donnalee  
MacGillivray, Jeffrey  
McDonald, James, Sr.  
Mercer, Robert  
Morello, Michael  
O'Rourke, Thomas  
Sargent, Maxwell  
Vaillancourt, Steve  
Wright, George

Ameen, W.  
Baroody, Benjamin  
Briefs, Geoffrey  
Carney, Lauren  
Clegg, Robert, Jr.  
D'Allesandro, Lou  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Flora, Kathleen  
Gage, Ruth  
Gosselin, Gerald  
Hall, Betty  
Holt, David  
Kelley, Robert  
Leishman, Peter  
Luebkert, Bernard  
MacIntyre, Doris  
McGough, Tim  
Messier, Irene  
Murch, George  
Peterson, Andrew  
Searles, Stanley, Sr.  
Welch, Donald

Amidon, Eleanor  
Barry, William, III  
Calawa, Leon, Jr.  
Chabot, Robert  
Clemons, Jane  
Daigle, Robert  
Durham, Susan  
Fenton, James  
Foster, Joseph  
Gagnon, Eugene  
Goulet, Maurice  
Hansen, Herbert  
Hunter, Bruce  
Kelly, Michael  
Leonard, Peter  
Lynde, Harold  
Martin, Mary  
McRae, Karen  
Milligan, Robert  
Murphy, Robert  
Piteri, Dawn  
Thulander, O. Alan  
Wheeler, Robert

**MERRIMACK**

Adams, Stephen  
Crosby, Toni  
Dunn, Miriam  
Gile, Mary  
Jacobson, Alf  
Lavoie, Gerard  
Maxfield, Roy  
Pfaff, Terence  
St. Cyr, Gerard  
Whittemore, James

Anderson, Eric  
Crowell, Peter  
Feuerstein, Martin  
Hager, Elizabeth  
Lamach, Bernard  
Leber, William  
Moore, Carol  
Reardon, Tara  
Wallin, Jean  
Yeaton, Charles

Burney, Carol  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Langer, Ray  
Lockwood, Robert  
Nichols, Avis  
Rogers, Katherine  
Wallner, Mary Jane

Chandler, Earle  
DeStefano, Stephen  
French, Barbara  
Hoadley, Elizabeth  
Larrabee, David  
Marshall, Kenneth  
Owen, Derek  
Seldin, Gloria  
Whalley, Michael

**ROCKINGHAM**

|                      |                       |                     |                          |
|----------------------|-----------------------|---------------------|--------------------------|
| Abbott, Dennis       | Aranda, M. Kathryn    | Arndt, Janet        | Battles-Peirce, Marjorie |
| Beaulieu, Jon        | Belanger, Ronald      | Bishop, Franklin    | Blanchard, MaryAnn       |
| Carson, Gregory      | Case, Margaret        | Cegelis, Mark       | Christie, Andrew, Jr.    |
| Clark, Martha        | Coes, Betsy           | Cooney, Richard     | Cote, Patricia           |
| Cushing, Robert      | Dodge, Robert         | Dolan, Richard      | Dowd, Sandra             |
| Dowling, Patricia    | Downing, Michael      | Dunham, Vivian      | Felch, Charles, Sr.      |
| Fesh, Robert         | Flanagan, Natalie     | Flanders, David     | Flanders, John, Sr.      |
| Francoeur, Sheila    | Frechette, Joseph     | Gibbons, Paul       | Gleason, John            |
| Griffin, Mary        | Guthrie, Joseph       | Heath, John         | Henderson, Warren        |
| Hutchinson, Rebecca  | Johnson, Robert       | Kane, Cecelia       | Katsakiores, George      |
| Katsakiores, Phyllis | Kelley, Jane          | Klemm, Arthur, Jr.  | Kobel, Rudolph           |
| Langley, Jane        | Langone, John         | Letourneau, Robert  | Lovejoy, Marian          |
| Major, Norman        | Malcolm, Kenneth      | McCarthy, John, Jr. | McGovern, Cynthia        |
| McKinney, Betsy      | Micklon, Stephanie    | Moore, Benjamin     | Norelli, Terie           |
| Nowe, Ronald         | Noyes, Richard        | O'Keefe, Patricia   | Packard, Sherman         |
| Pantelakos, Laura    | Reardon, Neil         | Rubin, George       | Sabella, Norma           |
| Schanda, Frank       | Simmons, John Anthony | Smith, Kevin        | Stone, Joseph            |
| Stritch, C. Donald   | Syracusa, Anthony     | Tufts, J. Arthur    | Varrell, Thomas          |
| Vaughn, Charles      | Welch, David          | Weyler, Kenneth     | Woods, Deborah           |

**STRAFFORD**

|                  |                      |                    |                 |
|------------------|----------------------|--------------------|-----------------|
| Beube, Roger     | Bickford, David      | Brennan, William   | Brown, George   |
| Callaghan, Frank | DeChane, Marlene     | Dunlap, Patricia   | Estabrook, Iris |
| Grassie, Anne    | Hemon, Roland        | Kaen, Naida        | Keans, Sandra   |
| Knowles, William | McCann, William, Jr. | McKinley, Robert   | Merrill, Amanda |
| Merritt, Deborah | Pelletier, Arthur    | Rogers, Rose Marie | Rollo, Michael  |
| Smith, Marjorie  | Snyder, Clair        | Spear, Barbara     | Sullivan, Henry |
| Taylor, Kathleen | Torr, Ann            | Torr, Franklin     | Tsiros, William |
| Twardus, Joseph  | Vachon, Dennis       | Vincent, Francis   | Wall, Janet     |

**SULLIVAN**

|                    |                 |                  |                  |
|--------------------|-----------------|------------------|------------------|
| Adler, Rudolf      | Allison, David  | Burling, Peter   | Cloutier, John   |
| Donovan, Thomas    | Ferland, Brenda | Flint, Gordon    | Kibbey, David    |
| Leone, Richard     | Lindblade, Eric | Palmer, Lorraine | Schotanus, Merle |
| Wiggins, Celestine |                 |                  |                  |

**NAYS 27****BELKNAP**

|               |              |                   |
|---------------|--------------|-------------------|
| Boyce, Robert | Hurt, George | Rice, Thomas, Jr. |
|---------------|--------------|-------------------|

**CARROLL**

None

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

|                |              |             |
|----------------|--------------|-------------|
| Cobbin, Philip | Mirski, Paul | Weber, Phil |
|----------------|--------------|-------------|

**HILLSBOROUGH**

|                     |                       |                    |                   |
|---------------------|-----------------------|--------------------|-------------------|
| Batula, Peter       | Brundige, Robert      | Burke, M. Virginia | Daniels, Gary     |
| Desrosiers, William | Herman, Keith         | Jean, Loren        | L'Heureux, Robert |
| Letendre, Evelyn    | Marcinkowski, Michael | Pepino, Leo        | Riley, Frances    |

**MERRIMACK**

Brown, Mary

Colburn, Kathleen

Colburn, Thomas

Krueger, Patricia

**ROCKINGHAM**

Camm, Kevin

Dube, LeRoy

Morris, Debbie

Raynowska, Bernard

Stickney, Nancy

**STRAFFORD**

None

**SULLIVAN**

None

and the report was adopted.

**SUSPENSION OF RULES**

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration beyond the deadline for action and the deadline for having all bills to the Governor of the Committee of Conference Report on **HB 50**, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor.

Reps. Wheeler and Burling spoke in favor.

Rep. Boyce spoke against.

Rep. Wheeler requested a roll call; sufficiently seconded

The question being the motion to suspend the Rules.

**YEAS 289 NAYS 76****YEAS 289****BELKNAP**

Bartlett, Gordon

Boriso, Thomas

Calvert, Alice

Pilliod, James

Rosen, Ralph

Salatiello, Thomas

Thomas, John

Turner, Robert

**CARROLL**

Babson, David, Jr.

Bradley, Jeb

Chandler, Gene

Cooper, Kipp

Dickinson, Howard, Jr.

Foster, Robert

Howard, Godfrey

Kenney, Joseph

Lyman, L. Randy

MacDonald, Kenneth

Mock, Henry

Patten, Betsey

Philbrick, Donald

**CHESHIRE**

Avery, Stephen

Bonneau, Sarah

Burnham, Daniel

Champagne, Richard

DePecol, Benjamin

Doucette, Richard

Hunt, John

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

McNamara, Wanda

Metzger, Katherine

O'Connell, John

Pratt, Irene

Pratt, John

Richardson, Barbara

Riley, William

Robertson, Timothy

Royce, H. Charles

Smith, Edwin

Vogl, John

**COOS**

Bradley, Paula

Coulombe, Henry

Coulombe, Yvonne

Davis, Perley

Guay, Lawrence

Horton, Lynn

Mears, Edgar

Moynihan, Wayne

Pratt, Leighton

Tholl, John, Jr.

**GRAFTON**

Akins, Ralph

Alger, John

Almy, Susan

Below, Clifton

Brown, Channing

Chase, Paul, Jr.

Copenhaver, Marion

Guest, Robert

Ham, Bonnie

Hill, Richard

Hinman, Harry

LaMott, Paul

Lovett, Sidney

Luker, Elsa

MacNeil, Allen

Nordgren, Sharon

Phinney, William

Teschner, Douglass

Telfa, Richard

Williams, William, Jr.

**HILLSBOROUGH**

|                     |                            |                      |                       |
|---------------------|----------------------------|----------------------|-----------------------|
| Allen, W. Gordon    | Alukonis, David            | Ameen, W.            | Amidon, Eleanor       |
| Arnold, Thomas, Jr. | Asselin, Robert            | Baroody, Benjamin    | Barry, William, III   |
| Batula, Peter       | Belvin, William            | Bernier, Shannon     | Brundige, Robert      |
| Calawa, Leon, Jr.   | Cardin, Lori               | Carlson, Donald      | Carney, Lauren        |
| Clay, Susan         | Clemons, Jane              | Cote, David          | Cote, Peter           |
| D'Allesandro, Lou   | Daigle, Robert             | Dawe, Eileen         | Desrosiers, William   |
| Dokmo, Cynthia      | Drabinowicz, A. Theresa    | Durham, Susan        | Dwyer, Paul, Sr.      |
| Dyer, Merton        | Emerton, Lawrence, Sr.     | Ferguson, Charles    | Fields, Dennis        |
| Flora, Kathleen     | Foster, Joseph             | Foster, Linda        | Franks, Suzan         |
| Gage, Ruth          | Gagnon, Eugene             | Ginsburg, Ruth       | Gosselin, Gerald      |
| Goulet, Maurice     | Haettenschwiller, Alphonse | Haley, Robert        | Hall, Betty           |
| Hansen, Herbert     | Hart, Nick                 | Holley, Sylvia       | Jean, Claudette       |
| Johnson, Lionel     | Kelley, Robert             | Kelly, Michael       | Kurk, Neal            |
| L'Heureux, Roland   | Lefebvre, Roland           | Leishman, Peter      | Leonard, Peter        |
| Lessard, Rudy       | Letendre, Evelyn           | Lozeau, Donnalee     | Lynde, Harold         |
| MacAuslan, Rita     | MacGillivray, Jeffrey      | MacIntyre, Doris     | Martin, Mary          |
| McCarthy, William   | McCarty, Winston           | McDonald, James, Sr. | Melcher, Harold       |
| Mercer, Robert      | Messier, Irene             | Milligan, Robert     | Morello, Michael      |
| Murphy, Robert      | O'Hearn, Jane              | O'Rourke, Thomas     | Peterson, Andrew      |
| Piteri, Dawn        | Reidy, Frank               | Sargent, Maxwell     | Searles, Stanley, Sr. |
| Thulander, O. Alan  | Turgeon, Roland            | Vaillancourt, Steve  | Welch, Donald         |
| Wheeler, Robert     | White, Donald              |                      |                       |

**MERRIMACK**

|                    |                   |                    |               |
|--------------------|-------------------|--------------------|---------------|
| Anderson, Eric     | Burney, Carol     | Chandler, Earle    | Crosby, Toni  |
| Crowell, Peter     | Daneault, Gabriel | DeStefano, Stephen | Dunn, Miriam  |
| Feuerstein, Martin | Fraser, Marilyn   | French, Barbara    | Gile, Mary    |
| Hager, Elizabeth   | Hess, David       | Hoadley, Elizabeth | Jacobson, Alf |
| Lockwood, Robert   | Marshall, Kenneth | Maxfield, Roy      | Moore, Carol  |
| Nichols, Avis      | Owen, Derek       | Pfaff, Terence     | Reardon, Tara |
| Rogers, Katherine  | Seldin, Gloria    | St. Cyr, Gerard    | Wallin, Jean  |
| Wallner, Mary Jane | Whalley, Michael  | Yeaton, Charles    |               |

**ROCKINGHAM**

|                      |                    |                     |                          |
|----------------------|--------------------|---------------------|--------------------------|
| Abbott, Dennis       | Aranda, M. Kathryn | Arndt, Janet        | Battles-Peirce, Marjorie |
| Beaulieu, Jon        | Blanchard, MaryAnn | Case, Margaret      | Christie, Andrew, Jr.    |
| Clark, Martha        | Coes, Betsy        | Cooney, Richard     | Cote, Patricia           |
| Cushing, Robert      | Dearborn, Bruce    | Dodge, Robert       | Dowd, Sandra             |
| Dowling, Patricia    | Downing, Michael   | Felch, Charles, Sr. | Flanagan, Natalie        |
| Flanders, David      | Francoeur, Sheila  | Frechette, Joseph   | Gibbons, Paul            |
| Gleason, John        | Griffin, Mary      | Heath, John         | Henderson, Warren        |
| Hutchinson, Rebecca  | Johnson, Robert    | Kane, Cecelia       | Katsakiores, George      |
| Katsakiores, Phyllis | Kelley, Jane       | Kobel, Rudolph      | Langley, Jane            |
| Langone, John        | Lovejoy, Marian    | Malcolm, Kenneth    | McCarthy, John, Jr.      |
| McGovern, Cynthia    | Micklon, Stephanie | Norelli, Terie      | Nowe, Ronald             |
| O'Keefe, Patricia    | Pantelakos, Laura  | Rubin, George       | Sabella, Norma           |
| Schanda, Frank       | Stone, Joseph      | Stritch, C. Donald  | Syracusa, Anthony        |
| Tufts, J. Arthur     | Vaughn, Charles    | Woods, Deborah      |                          |

**STRAFFORD**

|                      |                    |                 |                  |
|----------------------|--------------------|-----------------|------------------|
| Berube, Roger        | Brennan, William   | Brown, George   | Callaghan, Frank |
| DeChane, Marlene     | Dunlap, Patricia   | Estabrook, Iris | Grassie, Anne    |
| Hemon, Roland        | Kaen, Naida        | Keans, Sandra   | Knowles, William |
| McCann, William, Jr. | McKinley, Robert   | Merrill, Amanda | Merritt, Deborah |
| Pelletier, Arthur    | Rogers, Rose Marie | Rollo, Michael  | Smith, Marjorie  |

Snyder, Clair  
Torr, Ann  
Vachon, Dennis

Spear, Barbara  
Torr, Franklin  
Vincent, Francis

Sullivan, Henry  
Tsiros, William  
Wall, Janet

Taylor, Kathleen  
Twardus, Joseph

### SULLIVAN

Adler, Rudolf  
Donovan, Thomas  
Leone, Richard  
Wiggins, Celestine

Allison, David  
Ferland, Brenda  
Lindblade, Eric

Burling, Peter  
Flint, Gordon  
Palmer, Lorraine

Cloutier, John  
Kibbey, David  
Schotanus, Merle

### NAYS 76

### BELKNAP

Boyce, Robert  
Hurt, George  
Veazey, John

Clark, Charles  
Laflam, Robert

Golden, Paul  
Lawton, David

Holbrook, Robert  
Rice, Thomas, Jr.

### CARROLL

None

### CHESHIRE

Steere, Myron, III

### COOS

None

### GRAFTON

Cobbin, Philip  
Weber, Phil

Guaraldi, Lawrence

Mirski, Paul

Root, John

### HILLSBOROUGH

Briefs, Geoffrey  
Clegg, Robert, Jr.  
Herman, Keith  
Luebker, Bernard  
Mittelman, David  
Wright, George

Burke, M. Virginia  
Daniels, Gary  
Holt, David  
Marcinkowski, Michael  
Murch, George

Chabot, Robert  
Fenton, James  
Hunter, Bruce  
McGough, Tim  
Pepino, Leo

Christiansen, Lars  
Golding, William  
Jean, Loren  
McRae, Karen  
Riley, Frances

### MERRIMACK

Adams, Stephen  
Krueger, Patricia  
Lavoie, Gerard

Brown, Mary  
Lamach, Bernard  
Leber, William

Colburn, Kathleen  
Langer, Ray  
Whittemore, James

Colburn, Thomas  
Larrabee, David

### ROCKINGHAM

Belanger, Ronald  
Cegelis, Mark  
Fesh, Robert  
Letourneau, Robert  
Moore, Benjamin  
Raynowska, Bernard  
Stickney, Nancy

Bishop, Franklin  
Dolan, Richard  
Flanders, John, Sr.  
Major, Norman  
Morris, Debbie  
Reardon, Neil  
Varrell, Thomas

Camm, Kevin  
Dube, LeRoy  
Guthrie, Joseph  
McKinney, Betsy  
Noyes, Richard  
Simmons, John Anthony  
Welch, David

Carson, Gregory  
Dunham, Vivian  
Klemm, Arthur, Jr.  
Mikowski, Walter  
Packard, Sherman  
Smith, Kevin  
Weyler, Kenneth

### STRAFFORD

Bickford, David

### SULLIVAN

None

and the motion was adopted by the necessary two-thirds.

**COMMITTEE OF CONFERENCE REPORT**

**HB 50-FN-A-L**, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor. (Report printed SJ 23, 6/10/97)

Reps. Thomas Colburn, Loren Jean and Root spoke against.

Rep. Belvin spoke in favor and yielded to question.

**MOTION TO LAY ON THE TABLE**

Rep. Kevin Smith moved that the Committee of Conference Report on **HB 50**, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor, be laid on the table.

Rep. Burling requested a roll call; sufficiently seconded.

**YEAS 112 NAYS 252****YEAS 112****BELKNAP**

|                  |                   |               |                |
|------------------|-------------------|---------------|----------------|
| Bartlett, Gordon | Boriso, Thomas    | Boyce, Robert | Clark, Charles |
| Golden, Paul     | Holbrook, Robert  | Hurt, George  | Lafam, Robert  |
| Lawton, David    | Rice, Thomas, Jr. | Rosen, Ralph  | Veazey, John   |

**CARROLL**

|                    |                |                 |                |
|--------------------|----------------|-----------------|----------------|
| Babson, David, Jr. | Chandler, Gene | Howard, Godfrey | Patten, Betsey |
|--------------------|----------------|-----------------|----------------|

**CHESHIRE**

|                 |                    |
|-----------------|--------------------|
| McNamara, Wanda | Steere, Myron, III |
|-----------------|--------------------|

**COOS**

Merrill, Gerald

**GRAFTON**

|                  |                |              |            |
|------------------|----------------|--------------|------------|
| Chase, Paul, Jr. | Cobbin, Philip | Mirski, Paul | Root, John |
|------------------|----------------|--------------|------------|

**HILLSBOROUGH**

|                  |                       |                       |                     |
|------------------|-----------------------|-----------------------|---------------------|
| Alukonis, David  | Arnold, Thomas, Jr.   | Batula, Peter         | Briefs, Geoffrey    |
| Brundige, Robert | Burke, M. Virginia    | Carlson, Donald       | Carney, Lauren      |
| Chabot, Robert   | Christiansen, Lars    | Clegg, Robert, Jr.    | Desrosiers, William |
| Fenton, James    | Golding, William      | Goulet, Maurice       | Hansen, Herbert     |
| Herman, Keith    | Holley, Sylvia        | Holt, David           | Hunter, Bruce       |
| Jean, Loren      | L'Heureux, Robert     | Lessard, Rudy         | Letendre, Evelyn    |
| Luebker, Bernard | MacGillivray, Jeffrey | Marcinkowski, Michael | McGough, Tim        |
| McRae, Karen     | Milligan, Robert      | Mittelman, David      | Murch, George       |
| Pepino, Leo      | Riley, Frances        | White, Donald         | Wright, George      |

**MERRIMACK**

|                   |                    |                   |                   |
|-------------------|--------------------|-------------------|-------------------|
| Adams, Stephen    | Anderson, Eric     | Brown, Mary       | Colburn, Kathleen |
| Colburn, Thomas   | Hoadley, Elizabeth | Krueger, Patricia | Lamach, Bernard   |
| Langer, Ray       | Lavoie, Gerard     | Leber, William    | Maxfield, Roy     |
| Whittemore, James |                    |                   |                   |

**ROCKINGHAM**

|                    |                    |                  |                    |
|--------------------|--------------------|------------------|--------------------|
| Aranda, M. Kathryn | Beaulieu, Jon      | Belanger, Ronald | Bishop, Franklin   |
| Camm, Kevin        | Carson, Gregory    | Cote, Patricia   | Dearborn, Bruce    |
| Dodge, Robert      | Dolan, Richard     | Dowd, Sandra     | Dube, LeRoy        |
| Dunham, Vivian     | Fesh, Robert       | Griffin, Mary    | Guthrie, Joseph    |
| Henderson, Warren  | Klemm, Arthur, Jr. | Kobel, Rudolph   | Letourneau, Robert |
| Major, Norman      | McKinney, Betsy    | Mikowski, Walter | Moore, Benjamin    |

Morris, Debbie  
Raynowska, Bernard  
Stickney, Nancy

Nowe, Ronald  
Reardon, Neil  
Varrell, Thomas

Noyes, Richard  
Simmons, John Anthony  
Welch, David

Packard, Sherman  
Smith, Kevin  
Weyler, Kenneth

## STRAFFORD

Bickford, David

McKinley, Robert

## SULLIVAN

Adler, Rudolf

Kibbey, David

## NAYS 252

## BELKNAP

Calvert, Alice  
Turner, Robert

Pilliod, James

Salatiello, Thomas

Thomas, John

## CARROLL

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Cooper, Kipp  
Lyman, L. Randy

Dickinson, Howard, Jr.  
MacDonald, Kenneth

Foster, Robert  
Mock, Henry

## CHESHIRE

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
O'Connell, John  
Riley, William  
Vogl, John

Bonneau, Sarah  
Doucette, Richard  
Manning, Margaret  
Pratt, Irene  
Robertson, Timothy

Burnham, Daniel  
Hunt, John  
McGuirk, Paul  
Pratt, John  
Royce, H. Charles

Champagne, Richard  
Lynch, Margaret  
Metzger, Katherine  
Richardson, Barbara  
Smith, Edwin

## COOS

Bradley, Paula  
Guay, Lawrence  
Pratt, Leighton

Coulombe, Henry  
Horton, Lynn  
Tholl, John, Jr.

Coulombe, Yvonne  
Mears, Edgar

Davis, Perley  
Moynihan, Wayne

## GRAFTON

Akins, Ralph  
Brown, Channing  
Guest, Robert  
LaMott, Paul  
Nordgren, Sharon

Alger, John  
Connolly, Steven  
Ham, Bonnie  
Lovett, Sidney  
Phinney, William

Almy, Susan  
Copenhaver, Marion  
Hill, Richard  
Luker, Elsa  
Teschner, Douglass

Below, Clifton  
Guaraldi, Lawrence  
Hinman, Harry  
MacNeil, Allen  
Trelfa, Richard

## HILLSBOROUGH

Allen, W. Gordon  
Baroody, Benjamin  
Calawa, Leon, Jr.  
Cote, David  
Daniels, Gary  
Durham, Susan  
Ferguson, Charles  
Foster, Linda  
Ginsburg, Ruth  
Hall, Betty  
Johnson, Lionel  
Lefebvre, Roland  
Lynde, Harold  
McCarthy, William  
Mercer, Robert

Ameen, W.  
Barry, William, III  
Cardin, Lori  
Cote, Peter  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Fields, Dennis  
Franks, Suzan  
Gosselin, Gerald  
Hart, Nick  
Kelley, Robert  
Leishman, Peter  
MacAuslan, Rita  
McCarty, Winston  
Messier, Irene

Amidon, Eleanor  
Belvin, William  
Clay, Susan  
D'Allesandro, Lou  
Dokmo, Cynthia  
Dyer, Merton  
Flora, Kathleen  
Gage, Ruth  
Haettenschwiller, Alphonse  
Healy, Daniel  
Kelly, Michael  
Leonard, Peter  
MacIntyre, Doris  
McDonald, James, Sr.  
Morello, Michael

Asselin, Robert  
Bernier, Shannon  
Clemons, Jane  
Daigle, Robert  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Joseph  
Gagnon, Eugene  
Haley, Robert  
Jean, Claudette  
Kurk, Neal  
Lozeau, Donnalee  
Martin, Mary  
Melcher, Harold  
Murphy, Robert

O'Hearn, Jane  
Reidy, Frank  
Turgeon, Roland

O'Rourke, Thomas  
Sargent, Maxwell  
Vaillancourt, Steve

Peterson, Andrew  
Searles, Stanley, Sr.  
Welch, Donald

Piteri, Dawn  
Thulander, O. Alan  
Wheeler, Robert

### MERRIMACK

Burney, Carol  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Moore, Carol  
Reardon, Tara  
Wallin, Jean

Chandler, Earle  
DeStefano, Stephen  
French, Barbara  
Jacobson, Alf  
Nichols, Avis  
Rogers, Katherine  
Wallner, Mary Jane

Crosby, Toni  
Dunn, Miriam  
Gile, Mary  
Lockwood, Robert  
Owen, Derek  
Seldin, Gloria  
Whalley, Michael

Crowell, Peter  
Feuerstein, Martin  
Hager, Elizabeth  
Marshall, Kenneth  
Pfaff, Terence  
St. Cyr, Gerard  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Case, Margaret  
Coes, Betsy  
Downing, Michael  
Flanders, John, Sr.  
Gleason, John  
Kane, Cecelia  
Langley, Jane  
McCarthy, John, Jr.  
O'Keefe, Patricia  
Schanda, Frank  
Tufts, J. Arthur

Arndt, Janet  
Cegelis, Mark  
Cooney, Richard  
Felch, Charles, Sr.  
Francoeur, Sheila  
Heath, John  
Katsakiores, George  
Langone, John  
McGovern, Cynthia  
Pantelakos, Laura  
Stone, Joseph  
Vaughn, Charles

Battles-Peirce, Marjorie  
Christie, Andrew, Jr.  
Cushing, Robert  
Flanagan, Natalie  
Frechette, Joseph  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Lovejoy, Marian  
Micklon, Stephanie  
Rubin, George  
Stritch, C. Donald  
Woods, Deborah

Blanchard, MaryAnn  
Clark, Martha  
Dowling, Patricia  
Flanders, David  
Gibbons, Paul  
Johnson, Robert  
Kelley, Jane  
Malcolm, Kenneth  
Norelli, Terie  
Sabella, Norma  
Syracusa, Anthony

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hemon, Roland  
McCann, William, Jr.  
Rogers, Rose Marie  
Spear, Barbara  
Tsiros, William  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
Merrill, Amanda  
Rollo, Michael  
Taylor, Kathleen  
Twardus, Joseph

Brown, George  
Estabrook, Iris  
Keans, Sandra  
Merritt, Deborah  
Smith, Marjorie  
Torr, Ann  
Vachon, Dennis

Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Vincent, Francis

### SULLIVAN

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Flint, Gordon  
Schotanus, Merle

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

Donovan, Thomas  
Lindblade, Eric

and the motion failed.

The question now being the adoption of the Committee of Conference Report.

Reps. Herman and Cobbin spoke against.

Reps. McCann and Ann Torr spoke in favor.

Rep. Wheeler requested a roll call; sufficiently seconded.

### YEAS 265 NAYS 99

#### YEAS 265

#### BELKNAP

Bartlett, Gordon  
Thomas, John

Calvert, Alice  
Turner, Robert

Pilliod, James

Salatiello, Thomas

#### CARROLL

Bradley, Jeb  
Howard, Godfrey  
Mock, Henry

Cooper, Kipp  
Kenney, Joseph  
Patten, Betsey

Dickinson, Howard, Jr.  
Lyman, L. Randy  
Philbrick, Donald

Foster, Robert  
MacDonald, Kenneth

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
O'Connell, John  
Riley, William  
Steere, Myron, III

Bonneau, Sarah  
Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy  
Vogl, John

Burnham, Daniel  
Hunt, John  
McGuirk, Paul  
Pratt, John  
Royce, H. Charles

Champagne, Richard  
Lynch, Margaret  
Metzger, Katherine  
Richardson, Barbara  
Smith, Edwin

**COOS**

Bradley, Paula  
Guay, Lawrence  
Moynihan, Wayne

Coulombe, Henry  
Horton, Lynn  
Pratt, Leighton

Coulombe, Yvonne  
Mears, Edgar  
Tholl, John, Jr.

Davis, Perley  
Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Brown, Channing  
Guest, Robert  
LaMott, Paul  
Nordgren, Sharon

Alger, John  
Chase, Paul, Jr.  
Ham, Bonnie  
Lovett, Sidney  
Phinney, William

Almy, Susan  
Connolly, Steven  
Hill, Richard  
Luker, Elsa  
Teschner, Douglass

Below, Clifton  
Copenhaver, Marion  
Hinman, Harry  
MacNeil, Allen  
Trelfa, Richard

**HILLSBOROUGH**

Allen, W. Gordon  
Asselin, Robert  
Bernier, Shannon  
Clemons, Jane  
Daigle, Robert  
Durham, Susan  
Fenton, James  
Foster, Joseph  
Ginsburg, Ruth  
Hall, Betty  
Jean, Claudette  
Kurk, Neal  
Lozeau, Donnalee  
Martin, Mary  
Mercer, Robert  
O'Hearn, Jane  
Sargent, Maxwell  
Vaillancourt, Steve

Ameen, W.  
Baroody, Benjamin  
Calawa, Leon, Jr.  
Cote, David  
Dawe, Eileen  
Dwyer, Paul, Sr.  
Ferguson, Charles  
Foster, Linda  
Gosselin, Gerald  
Hansen, Herbert  
Johnson, Lionel  
Lefebvre, Roland  
Lynde, Harold  
McCarthy, William  
Messier, Irene  
O'Rourke, Thomas  
Searles, Stanley, Sr.  
Welch, Donald

Amidon, Eleanor  
Barry, William, III  
Cardin, Lori  
Cote, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Fields, Dennis  
Franks, Suzan  
Haetenschwiller, Alphonse  
Hart, Nick  
Kelley, Robert  
Leishman, Peter  
MacAuslan, Rita  
McDonald, James, Sr.  
Morello, Michael  
Peterson, Andrew  
Thulander, O. Alan  
Wheeler, Robert

Arnold, Thomas, Jr.  
Belvin, William  
Clay, Susan  
D'Allesandro, Lou  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Flora, Kathleen  
Gage, Ruth  
Haley, Robert  
Holley, Sylvia  
Kelly, Michael  
Leonard, Peter  
MacIntyre, Doris  
Melcher, Harold  
Murphy, Robert  
Reidy, Frank  
Turgeon, Roland  
White, Donald

**MERRIMACK**

Anderson, Eric  
Crowell, Peter  
Feuerstein, Martin  
Hager, Elizabeth  
Leber, William  
Moore, Carol  
Reardon, Tara  
Wallin, Jean

Burney, Carol  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Lockwood, Robert  
Nichols, Avis  
Rogers, Katherine  
Wallner, Mary Jane

Chandler, Earle  
DeStefano, Stephen  
French, Barbara  
Hoadley, Elizabeth  
Marshall, Kenneth  
Owen, Derek  
Seldin, Gloria  
Whalley, Michael

Crosby, Toni  
Dunn, Miriam  
Gile, Mary  
Jacobson, Alf  
Maxfield, Roy  
Pfaff, Terence  
St. Cyr, Gerard  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Blanchard, MaryAnn  
Coes, Betsy  
Dowd, Sandra  
Flanagan, Natalie  
Gibbons, Paul

Aranda, M. Kathryn  
Case, Margaret  
Cooney, Richard  
Dowling, Patricia  
Flanders, David  
Gleason, John

Arndt, Janet  
Christie, Andrew, Jr.  
Cushing, Robert  
Downing, Michael  
Francoeur, Sheila  
Heath, John

Battles-Peirce, Marjorie  
Clark, Martha  
Dearborn, Bruce  
Felch, Charles, Sr.  
Frechette, Joseph  
Hutchinson, Rebecca

Johnson, Robert  
Kelley, Jane  
Lovejoy, Marian  
Micklon, Stephanie  
Rubin, George  
Stritch, C. Donald  
Woods, Deborah

Kane, Cecelia  
Kobel, Rudolph  
Malcolm, Kenneth  
Norelli, Terie  
Sabella, Norma  
Syracusa, Anthony

Katsakiores, George  
Langley, Jane  
McCarthy, John, Jr.  
O'Keefe, Patricia  
Schanda, Frank  
Tufts, J. Arthur

Katsakiores, Phyllis  
Langone, John  
McGovern, Cynthia  
Pantelakos, Laura  
Stone, Joseph  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Hemon, Roland  
McCann, William, Jr.  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Vincent, Francis

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
McKinley, Robert  
Rogers, Rose Marie  
Spear, Barbara  
Tsiros, William  
Wall, Janet

Brown, George  
Estabrook, Iris  
Keans, Sandra  
Merrill, Amanda  
Rollo, Michael  
Taylor, Kathleen  
Twardus, Joseph

Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Merritt, Deborah  
Smith, Marjorie  
Torr, Ann  
Vachon, Dennis

### SULLIVAN

Allison, David  
Ferland, Brenda  
Lindblade, Eric

Burling, Peter  
Flint, Gordon  
Palmer, Lorraine

Cloutier, John  
Kibbey, David  
Schotanus, Merle

Donovan, Thomas  
Leone, Richard  
Wiggins, Celestine

### NAYS 99

### BELKNAP

Boriso, Thomas  
Holbrook, Robert  
Rice, Thomas, Jr.

Boyce, Robert  
Hurt, George  
Rosen, Ralph

Clark, Charles  
Laffam, Robert  
Veazey, John

Golden, Paul  
Lawton, David

### CARROLL

Babson, David, Jr.

Chandler, Gene

### CHESHIRE

McNamara, Wanda

### COOS

None

### GRAFTON

Cobbin, Philip

Guaraldi, Lawrence

Mirski, Paul

Root, John

### HILLSBOROUGH

Alukonis, David  
Burke, M. Virginia  
Christiansen, Lars  
Gagnon, Eugene  
Herman, Keith  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McRae, Karen  
Pepino, Leo

Batula, Peter  
Carlson, Donald  
Clegg, Robert, Jr.  
Golding, William  
Holt, David  
Lessard, Rudy  
Marcinkowski, Michael  
Milligan, Robert  
Piteri, Dawn

Briefs, Geoffrey  
Carney, Lauren  
Daniels, Gary  
Goulet, Maurice  
Hunter, Bruce  
Letendre, Evelyn  
McCarty, Winston  
Mittelman, David  
Riley, Frances

Brundige, Robert  
Chabot, Robert  
Desrosiers, William  
Healy, Daniel  
Jean, Loren  
Luebker, Bernard  
McGough, Tim  
Murch, George  
Wright, George

### MERRIMACK

Adams, Stephen  
Krueger, Patricia  
Whittemore, James

Brown, Mary  
Lamach, Bernard

Colburn, Kathleen  
Langer, Ray

Colburn, Thomas  
Lavoie, Gerard

**ROCKINGHAM**

|                       |                    |                    |                   |
|-----------------------|--------------------|--------------------|-------------------|
| Beaulieu, Jon         | Belanger, Ronald   | Bishop, Franklin   | Camm, Kevin       |
| Carson, Gregory       | Cegelis, Mark      | Cote, Patricia     | Dodge, Robert     |
| Dolan, Richard        | Dube, LeRoy        | Dunham, Vivian     | Fesh, Robert      |
| Flanders, John, Sr.   | Griffin, Mary      | Guthrie, Joseph    | Henderson, Warren |
| Klemm, Arthur, Jr.    | Letourneau, Robert | Major, Norman      | McKinney, Betsy   |
| Mikowski, Walter      | Moore, Benjamin    | Morris, Debbie     | Nowe, Ronald      |
| Noyes, Richard        | Packard, Sherman   | Raynowska, Bernard | Reardon, Neil     |
| Simmons, John Anthony | Smith, Kevin       | Stickney, Nancy    | Varrell, Thomas   |
| Welch, David          | Weyler, Kenneth    |                    |                   |

**STRAFFORD**

Bickford, David

**SULLIVAN**

Adler, Rudolf

and the report was adopted.

**ENROLLED BILL AMENDMENT**

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

**Amendment (0089-EBA)**

Amend section 44 of the bill by replacing line 2 with the following:  
other law, the department of revenue administration or any administrative tribunal or court with jurisdiction, either in law or

Amend section 48 of the bill by replacing line 2 with the following:

I. The purpose of this section is to transfer ownership of certain property in the town of Exeter  
Amend RSA 284:22, I as inserted by section 64 of the bill by replacing lines 13-14 with the following:

shall be retained by the licensee,  $\frac{1}{4}$  paid to the state treasury for the use of the state and  $\frac{1}{4}$  shall be paid to the pari-mutuel commission. The pari-

Amend RSA 284:22, II as inserted by section 64 of the bill by replacing lines 11-12 with the following:

retained by the licensee,  $\frac{1}{4}$  paid to the state treasury for the use of the state and  $\frac{1}{4}$  shall be paid to the pari-mutuel commission. The pari-mutuel

Amend RSA 284:22, III as inserted by section 64 of the bill by replacing line 3 with the following:

commissioner of agriculture, markets, and food, in accordance with RSA 425:19-b.

Amend RSA 284:22, IV as inserted by section 64 of the bill by replacing lines 10-11 with the following:

be retained by the licensee,  $\frac{1}{4}$  paid to the state treasury for the use of the state and  $\frac{1}{4}$  shall be paid to the pari-mutuel commission. The pari-mutuel

Amend the bill by replacing section 79 with the following:

79 Provisions of HB 349 Nullified. 1997, 27:4 and 1997, 27:8 (HB 349), relative to prospective amendments to RSA 284:22 and 23, shall not take effect.

80 Change From "Office" to "Division." If HB 1-A or HB 25-A, or both, become law, the references to the "office of information technology" in section 12 of HB 1-A and section 14 of HB 25-A shall be deemed to refer to the division of information technology management, department of administrative services.

81 Effective Date.

I. Section 71 of this act shall take effect June 30, 1997.

II. Sections 72-74 of this act shall take effect September 1, 1997.

III. Section 23-32 of this act shall take effect June 5, 1998.

IV. Section 47 of this act shall take effect as provided in section 75 of this act.

V. Sections 51 and 52 of this act shall take effect as provided in section 76 of this act.

VI. Section 56 of this act shall take effect as provided in section 77 of this act.

VII. Section 68 of this act shall take effect as provided in section 78 of this act.

VIII. Sections 48 and 75-81 of this act shall take effect upon its passage.

IX. Sections 54, 55, and 59-63 of this act shall take effect 60 days after its passage.

X. The remainder of this act shall take effect July 1, 1997.

Adopted.

## COMMUNICATION

June 10, 1997

Hon. Donna Sytek, Speaker

This letter is to inform you that I will be resigning from the New Hampshire House effective June 30, 1997. My husband's work requires that we relocate to California.

I feel very privileged to have served in this House on behalf of the people of Derry. I am grateful to my fellow members for all they have shared with me — their wisdom, their patience, their guidance, their good humor, even their criticism. I am glad to have had the opportunity to serve under your able leadership.

Thank you all very much. I am sorry to be leaving the great state of New Hampshire, but I am confident that it will remain in good hands.

Rep. Kathryn Aranda, Rock. 13

The Speaker accepted the resignation with regret.

## RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair. Adopted.

## UNANIMOUS CONSENT

Reps. Jeb Bradley, Knowles, Fields and Lefebvre addressed the House.

Reps. Frances Riley and Burling moved that the remarks made by Reps. Jeb Bradley and Knowles be printed in the Journal.

Adopted.

Rep. Jeb Bradley: Thank you very much, Madam Speaker. It is with some trepidation that at the end of this long day I do get up and ask for the special privilege of unanimous consent. But at this point in the session, and hopefully it is our last day, it's time to reflect for a moment and to thank some of the sung heroes and some of the unsung heroes that have helped us along throughout this long year. It is important that we consider in that thank you the fine people in Legislative Services, our committee assistants, the LBA staff, the fine staff of the House Clerk and the Sergeant-at-Arms offices, and all of the other people who help them. It is also important, I think, to publicly note the fine work of Peter Burling and Mandy Merrill in how they have unified their forces and been effective spokespeople for their causes. I also have to say that having worked with the past administration of Speaker Burns, Majority Leader Ann Torr, and Caroline Gross, who is still amongst us all, that it is certainly a pleasure that Ann Torr is still serving in this House and to have had the opportunity to work with her. Madam Speaker, this session has certainly been a learning experience, from the Rules debate that you just talked about to Martin Luther King, to certainly today with the kindergarten debate and the budget debate. Most of us have had wins and losses in this session, including you, yourself. Madam Speaker, you have provided us with the most effective leadership. You have certainly, and most importantly, been gracious under fire and there has been a lot of fire throughout this session. You promised that you would listen to House members. You have kept that promise. You have, above all else, abided by the House Rules even when that was inconvenient as we witnessed last week. But you made that promise and you kept it. Madam Speaker, you have upheld the House position even when at some point in time it may have differed from your own personal positions as it did in the kindergarten debate. But, you promised you would do that and you did it. When I had the opportunity to second your nomination in November, I said that you would work hard, that you would be a straight-shooter and that you would ask no more of us as members than you yourself would give. You have fulfilled that promise. You have treated

members fairly and as I have said, you have maintained the House position, and, in particular in the last week, you have done it at a time of great personal duress in your own life with the illnesses of family members. So, Madam Speaker, for myself and I think from all of us, we wish you an absolutely great summer, good health to your family members and we will take a break before we come back. One last word. You told me yesterday, when I was in your office, not to come back unless I had good news. It is getting hot out and, Madam Speaker, I know I need a hair cut. Thank you very much.

Rep. Knowles: Thank you, Madam Speaker. Before I get started, I first would like to thank Peter Burling and Amanda Merrill for the leadership they have provided to the Democratic caucus. It has been a pleasure to serve with you. Thank you.

Madam Speaker, as a member of the loyal opposition, I would like to thank you for the manner in which you conducted the affairs of this House. You did us proud when you didn't usurp your power by stopping the clock on the committees of conference. Nothing is politically right which is morally wrong. As Speaker, you had the responsibility to appoint committee chairs and vice chairs. I'm sure you learned the same lesson as Louis XIV, as he stated, "Every time I fill a vacant office I make ten malcontents and one ingrate." You, Madam Speaker, are a statesman. The statesman shears the sheep and politician skins them. A politician thinks of the next election and a statesman of the next generation. Under normal circumstances, the Speaker of the House carries out the governor's agenda. When the governor is of a different party, the circumstances are not normal. Now, what do you do? Again, under normal circumstances, the Speaker decides the agenda and gives the troops their marching orders. In the operetta HMS Pinafore by Gilbert and Sullivan, one segment defined marching orders well. As he stated, "I always voted at my party's call, and I never thought of thinking for myself at all." Times are changing. People are thinking for themselves, as independents, and I don't think this is so wrong. It does make it difficult for a leader. There is a Latin proverb that states that an army of stags led by a lion would be better than an army of lions led by a stag. As the first lady Speaker, you are our lioness leading a group of thinkers, not stags. If you your lips would keep from slips, five things observe with care: to whom you speak, of whom you speak, and how, and when, and where. In closing, Madam Speaker, I would like to read a poem by Edgar Guest which is one of my favorites and reminds me of you.

Somebody said that it couldn't be done, but she with a chuckle replied  
that "Maybe it couldn't" but she would be one who wouldn't say so till she tried.

So she buckled right in with trace of a grin on her face.

If she worried she hid it, she started to sing as she tackled the thing  
that couldn't be done and she did it.

### RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 5:07 p.m.

### RECESS

(Rep. Turner in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1, 2, 25 and 50.

Rep. Pfaff, Sen. Barnes for the Committee

### RECESS

### COMMITTEE ASSIGNMENT

Rep. Neil Reardon off Judiciary and Family Law; on State-Federal Relations and Veterans Affairs.

### RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 25**

Wednesday, June 25, 1997

The House assembled at 11:00 a.m. and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend David Kerr, Pastor of the United Methodist Church in Concord.

Almighty God, as we approach Independence Day for our nation, we pray that our birthright might not be taken for granted. May we as a nation and a state be a blessing to those near and far. May freedom and justice be offered to all. May freedom be not just the absence of restraints but a call for responsibility in personal morality, social obligations, political democracy and spiritual maturity. May this body, the New Hampshire House of Representatives, be an example of wisdom, a pacesetter of justice and an instrument of good government. May they show graciousness in debate and dispute. Temper them with sound judgment and disciplined obedience. May they help us enjoy the fruits of citizenship by showing us how to tend the tree of liberty. Deliver all of us, those who elect and those who are elected, from indifference and apathy. May we be a nation and a state of builders of goodness, tolerance, compassion, obedience and human rights. O God, be with all our representatives and our governor, that they and she may truly serve Your people and walk with them feeling their pain and sharing their joy and dreaming their dreams. We pray all these things in Your holy name. Amen.

Rep. Hager led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Feng, Hawkinson, Meader, Mears and Paul Taylor, the day, illness.

Reps. Abbott, Amidon, Avery Babson, Below, Bergin, Boutin, Calawa, Calvert, Carney, Kathleen Colburn, Copenhagen, Dawe, Dolan, Dowling, David Flanders, Flint, Gage, Hilliard, Robert Kelley, Leishman, L'Heureux, Lovett, Lynott, MacNeil, Marcinkowski, Martin, Morris, Moynihan, Pilliod, Neil Reardon and Weatherspoon, the day, important business.

Rep. Phinney, the day, death in the family.

**INTRODUCTION OF GUESTS**

Elaine Emerton, wife of Rep. Emerton. Stephanie Cossette and Yvette Cossette, daughter and mother of Rep. Cossette. Jessica, Kaitlin and Kelsey Downing and Melissa Mancini, daughters and guest of Rep. Downing. Katherine and Alice Sheehan, guests of Rep. Christiansen. Simon Eden, guest of Rep. Woods. Patrick Lyons, guest of Rep. Golding. Christian Battles, son of Rep. Battles-Peirce. Zachary Lynde, son of Rep. Lynde. Hope Micklon, daughter of Rep. Micklon. John Pelletier, son of Reps. Arthur and Marsha Pelletier. David Lozeau, husband of Rep. Lozeau.

**COMMUNICATION**

June 25, 1997

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Strafford 19, Larry J. Cossette, r, Rochester (93 Chestnut Hill Rd.) 03867

William M. Gardner, Secretary of State

(Rep. Lozeau in the Chair)

**COMMUNICATION****OPINION OF THE SUPREME COURT JUSTICES ON HB 198**

Request of the House  
No. 97-217

**OPINION OF THE JUSTICES**

(Municipal Tax Exemptions for Industrial Construction)

June 23, 1997

To the Honorable House:

The undersigned justices of the supreme court now submit the following replies to your questions of March 26, 1997. Following our receipt of your resolution on March 27, 1997, we invited interested parties to file memoranda with the court on or before April 28, 1997.

HB 198-LOCAL (the bill) proposes to amend RSA chapter 72 (1991 & Supp. 1996) by inserting after section 72 a new subdivision to read:

**Industrial Construction Exemption**

**72:73 Definitions.** In this subdivision:

I. 'Industrial uses' shall include all manufacturing, production, assembling, warehousing or processing of goods or materials for sale or distribution, research and development activities, or processing of waste materials.

II. A town or city adopting a tax exemption pursuant to RSA 72:74 may, in lieu of the definition in this section, adopt by reference the definition of similar terms as may be contained in that town or city's zoning ordinance.

**72:74 Property Tax Exemption.** A town or city may, by vote of the local legislative body pursuant to RSA 72:75, adopt a new construction property tax exemption for industrial uses. The exemption shall be a specified percentage of the increase in assessed value attributable to construction of new structures, and additions, renovations or improvements to existing structures. The exemption may run for a period of 3 to 5 years following the new construction; provided, however, that the exemption for all years shall cumulatively not exceed 200 percent of the increased assessed value. Once adopted by the local legislative body, the percentage rate and duration of the exemption shall be granted uniformly within that municipality to all new construction for which a proper application is filed.

**72:75 Procedure for Adoption.** A municipality desiring to adopt the provisions of RSA 72:74 shall do so in the following manner:

I. In a town, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3, and shall be voted upon by official ballot if that town has adopted the official ballot for the election of officers. A public hearing shall be held at least 15 but not more than 60 days prior to the vote.

II. In a city, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of a city may vote to place the question on the official ballot for any regular municipal election.

III. The vote shall specify the percentage of new assessed value to be exempted, the number of years duration of the exemption following new construction, and a reference to zoning use category definitions, if applicable. The exemption shall take effect in the tax year beginning April 1 following its adoption.

IV. A vote adopting RSA 72:74 shall remain in effect for at least 3 tax years. For subsequent years it may be rescinded or altered in the same manner as specified for adoption; provided, however, that for any application which has already been granted prior to such rescision or alteration, the exemption shall continue to apply at the rate and for the duration in effect at the time it was granted.

**72:76 Application for Exemption.**

I. On or before March 1 following the date of notice of tax under RSA 72:1-d for any year for which the exemption is claimed, a person qualified for an exemption under RSA 72:74 shall file an application with the selectmen or assessors, on an application form prepared by them, signed by the applicant under penalty of perjury, which contains adequate information to demonstrate that the applicant is qualified for the exemption.

II. The selectmen or assessors shall notify the applicant of their decision on or before July 1 following the date of notice of tax under RSA 72:1-d. The decision shall specify the amount of the exemption, that it is effective beginning the prior April 1, and the number of years for which the exemption applies to qualified construction. The decision of the selectmen or assessors may be appealed in the manner set forth in RSA 72:34-a.

III. An owner may apply for the exemption prior to construction, but in no case more than 12 months before the beginning of the tax year for which the exemption is sought. In such cases the selectmen or assessors may anticipatorily grant the exemption, subject to adjustment when the actual increase in assessed value becomes known. If construction is partially complete on April 1 of any year, the exemption for that year shall be based on the increased assessed value attributable to the partial construction, but the duration of the exemption shall be adjusted such that the cumulative amount of exemptions received, based on the construction as completed, is proportional to that received by other eligible properties.

IV. The selectmen or assessors may request such additional or updated information as is necessary to determine eligibility. If they are satisfied that the applicant has willfully made any false statement, or has refused to provide information after such a request, they may refuse to grant the exemption.

V. If the municipality completes a revaluation during the period for which an exemption has been granted, the amount of the exemption shall be adjusted by the difference in equalization ratios applicable in the municipality before and after the revaluation.

The proposed bill contains a statement of intent that "[i]t is the purpose of this act to foster the economic development of the state by enabling municipalities to encourage new construction, rehabilitation and improvement of property for industrial use through the adoption of tax exemptions, to grant flexibility to the local legislative body in determining the amount and type of exemption to adopt, and to ensure that, once adopted, such exemptions shall be administered uniformly within that municipality, so as to avoid the constitutional risk of ad hoc or discriminatory tax benefits."

Your first question asks whether "the classification of taxable property provided for in [the bill] [is] based on a reasonable distinction which promotes a proper object of public welfare and does not require any taxpayer to pay more than his or her fair share of the tax burden as required by part I, article 12 of the New Hampshire Constitution." This question is answered in the affirmative.

Part I, article 12 of the State Constitution provides that "[e]very member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection, and to yield his personal service when necessary."

"The legislature has wide discretion with respect to classification of taxable property. If there is a just reason for the classification of taxable property, and the proposed selection is not arbitrarily made or for the sole purpose of preferring some taxpayers to others it will be upheld." Opinion of the Justices (Current Use Reimbursement Program), 137 N.H. 270, 275, 627 A.2d 92, 95 (1993) (citations and quotation omitted).

Likewise, "the [l]egislature may provide, by general laws, for exemption of certain classes of property from taxation." Opinion of the Justices, 101 N.H. 539, 540, 134 A.2d 278, 278 (1957) (quotation omitted); see Opinion of the Justices, 128 N.H. 1, 8, 509 A.2d 734, 740 (1986) (legislature has broad power to create exemptions from taxation on a uniform basis). "In the selective process of classifying certain property for taxation and exempting other property the Legislature has a wide discretion which will be sustained provided just reasons exist for the selection made." Opinion of the Justices, 95 N.H. 548, 550, 65 A.2d 700, 701 (1949) (quotation omitted); see Smith v. N.H. Dept. of Revenue Admin., 141 N.H. \_\_\_, \_\_\_, 692 A.2d 486, 491 (1997). "The basic principle that all taxpayers shall share the public expense equally . . . is not violated by a legislative exemption of a certain class of property from taxation, in whole or in part, provided the exemption serves the general welfare." Eltra Corp. v. Town of Hopkinton, 119 N.H. 907, 912, 409 A.2d 1145, 1148 (1979); see Young Women's Christian Ass'n v. Portsmouth, 89 N.H. 40, 42, 192 A. 617, 618 (1937). "The classification must not be arbitrary, but must reasonably promote some proper object of public welfare or interest." Eltra Corp., 119 N.H. at 912, 409 A.2d at 1148.

The stated purpose of the proposed exemption is "to foster the economic development of the state by enabling municipalities to encourage new construction, rehabilitation and improvement of property for industrial use" by granting tax exemptions for a limited period of time. The State and its citizens presumably receive direct benefits from tax exemptions for industrial construction by attracting new industries into the State and keeping existing industry here, thereby creating economic growth. Since all industrial uses that meet the statutory definition may qualify for limited tax exemptions, the bill does not improperly classify property. The legislature has determined that the public welfare would benefit from the encouragement of industrial construction in the State and that this may be accomplished through the proposed bill. The purpose of stimulating economic growth is "one properly within the legislature's discretion in acting for the welfare of the state." Opinion of the Justices, 87 N.H. 490, 491, 178 A. 125, 126 (1935). We conclude that there are just reasons for providing a limited tax exemption for industrial construction and that the proposed bill reveals the purpose of the legislature is to promote the public welfare.

Your second question asks whether "the provisions of [the bill] which temporarily exempt certain real property from property taxes violate the constitutional requirements of uniformity and

equality governing the assessment and collection of property taxes and the constitutional prohibition against authorizing gifts to corporations organized for profit, all required by part II, article 5 of the New Hampshire Constitution." This question is answered in the negative.

Part II, article 5 of the State Constitution provides that "full power and authority are hereby given and granted to the said general court . . . to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said State." The legislature may constitutionally delegate to cities and towns the authority to create tax exemptions. See Opinion of the Justices, 115 N.H. 228, 230, 338 A.2d 553, 555 (1975). "No unconstitutional delegation of authority results when the legislature establishes the terms of a general act, but leaves the determination of whether it shall have the force of law to the governing bodies of the localities to be affected or to the people themselves." Id. at 230-31, 338 A.2d at 555. Constitutionally mandated requirements for uniformity and equality of taxation would not be violated "should less than all cities and towns adopt the optional exemptions provided by the bill, with a resulting uneven system of taxation." Id. at 231, 338 A.2d at 555 (quotation omitted). "[S]ince the property tax imposed would be uniform and equal within each taxing district, constitutional requirements would thus be met." Id. (quotation, ellipses, and brackets omitted); see Opinion of the Justices, 112 N.H. 32, 35, 287 A.2d 756, 758 (1972) (tax met requirement of uniformity and equality within taxing district).

Pursuant to the provisions of the proposed bill, once a town or city adopts a construction property tax exemption for industrial uses and specifies the percentage rate and duration of the exemption, the exemption "shall be granted uniformly within that municipality to all new construction for which a proper application is filed." The exemption would apply equally and uniformly within the taxing district, thereby satisfying constitutional requirements.

Part II, article 5 of the State Constitution further provides that "the general court shall not authorize any town to loan or give its money or credit directly or indirectly for the benefit of any corporation having for its object a dividend of profits or in any way aid the same by taking its stocks or bonds." While this provision is a limitation "upon legislative power to authorize gifts by towns to corporations organized for profit," Opinion of the Justices, 95 N.H. at 551, 65 A.2d at 701, it "does not extend to the authority of the legislature by its own act to provide a uniform exemption of state-wide application." Id.; see Eyers Woolen Co. v. Gilsum, 84 N.H. 1, 8, 146 A. 511, 515 (1929) (general exemption is part of state policy of taxation, special exemption is a favor granted to a particular party).

The bill before us provides for a tax exemption, not the expenditure of public funds for private purposes. The primary object of the bill is not to aid and benefit private persons for private ends, but, rather, to benefit the public at large by increasing the resources of the State and its taxable property through the establishment of new industries. Cf. Eyers Woolen Co., 84 N.H. at 16-17, 146 A. at 519 (particular law applicable to one party only in his private capacity cannot be classified as general exemption). We accordingly answer your second question in the negative.

As we have stated in the past, "we cannot predict every issue that may be raised in an adversary setting if this bill should become law." Opinion of the Justices, 112 N.H. at 46, 288 A.2d at 700 (quotation omitted). The proposed legislation, however, "appears to us to be constitutional on its face." Opinion of the Justices, 111 N.H. 199, 205, 278 A.2d 357, 361 (1971).

David A. Brock, William R. Johnson, W. Stephen Thayer, III, Sherman D. Horton and John T. Broderick, Jr.  
June 23, 1997

Joseph S. Haas, Jr., of Ashland, submitted a memorandum on the questions.

### REMOVED FROM THE TABLE

Rep. Hess moved that **HB 198**, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction, be removed from the table.  
Adopted.

### SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit action beyond the deadline on **HB 198**, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction.  
Adopted by the necessary two-thirds.

**MOTION TO RE-REFER TO COMMITTEE**

Rep. Hess moved that **HB 198**, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction be Re-referred to Committee.

Adopted and the bill was Re-referred to the Committee on Local and Regulated Revenues.

**GOVERNOR'S VETO MESSAGE ON HOUSE BILL 149**

June 19, 1997

To The Honorable Members of the General Court:

I have this day vetoed House Bill 149, An Act relative to the regulation of the profession of physical therapy.

This session the General Court passed both HB 149, which regulates the profession of physical therapy, as well as HB 537, which establishes a comprehensive regulatory scheme for certain allied health professionals, including physical therapists, athletic trainers, occupational therapists, respiratory care providers, and speech-language pathologists.

I have consulted with the sole sponsor of HB 149, who also was one of the sponsors of HB 537, and he agrees that HB 149 is not necessary so long as HB 537 becomes law.

Today I have signed HB 537 into law.

I have exercised my veto responsibility over house Bill 149 because it is unnecessary given the enactment of House Bill 537.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 149**, relative to the regulation of the profession of physical therapy, pass.

Rep. Robert Dodge spoke against.

As required by the State Constitution, a roll call was taken.

**YEAS 17 NAYS 299**

**YEAS 17  
BELKNAP**

None

**CARROLL**

Foster, Robert                      Howard, Godfrey

**CHESHIRE**

Metzger, Katherine                Smith, Edwin

**COOS**

None

**GRAFTON**

None

**HILLSBOROUGH**

Clegg, Robert, Jr.                Desrosiers, William                Fenton, James                Gagnon, Eugene  
Goulet, Maurice                White, Donald

**MERRIMACK**

Brown, Mary                      Colburn, Thomas                Whalley, Michael                Whittemore, James

**ROCKINGHAM**

Dearborn, Bruce                Flanders, John, Sr.                Major, Norman

**STRAFFORD**

None

**SULLIVAN**

None

**NAYS 299****BELKNAP**

Bartlett, Gordon  
Golden, Paul  
Rice, Thomas, Jr.  
Turner, Robert

Boriso, Thomas  
Holbrook, Robert  
Rosen, Ralph  
Veazey, John

Boyce, Robert  
Laflam, Robert  
Salatiello, Thomas

Clark, Charles  
Lawton, David  
Thomas, John

**CARROLL**

Bradley, Jeb  
MacDonald, Kenneth

Cooper, Kipp  
Mock, Henry

Dickinson, Howard, Jr.  
Patten, Betsey

Lyman, L. Randy  
Philbrick, Donald

**CHESHIRE**

Bonneau, Sarah  
Doucette, Richard  
McNamara, Wanda  
Richardson, Barbara  
Russell, Ronald

Burnham, Daniel  
Hunt, John  
O'Connell, John  
Riley, William  
Steere, Myron, III

Champagne, Richard  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy  
Vogl, John

DePecol, Benjamin  
McGuirk, Paul  
Pratt, John  
Royce, H. Charles

**COOS**

Bradley, Paula  
Guay, Lawrence  
Tholl, John, Jr.

Coulombe, Henry  
Horton, Lynn

Coulombe, Yvonne  
Merrill, Gerald

Davis, Perley  
Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Connolly, Steven  
Hinman, Harry  
Root, John  
Williams, William, Jr.

Alger, John  
Guaraldi, Lawrence  
Luker, Elsa  
Teschner, Douglass

Almy, Susan  
Guest, Robert  
Mirski, Paul  
Trelfa, Richard

Brown, Channing  
Hill, Richard  
Nordgren, Sharon  
Weber, Phil

**HILLSBOROUGH**

Alukonis, David  
Batula, Peter  
Cardin, Lori  
Clay, Susan  
D'Allesandro, Lou  
Drabinowicz, A. Theresa  
Emerton, Lawrence, Sr.  
Foster, Linda  
Gosselin, Gerald  
Hart, Nick  
Hunter, Bruce  
Kurk, Neal  
Letendre, Evelyn  
McCarthy, William  
Melcher, Harold  
Morello, Michael  
Perkins, Paul  
Riley, Frances  
Turgeon, Roland  
Wright, George

Ameen, W.  
Belvin, William  
Carlson, Donald  
Clemons, Jane  
Daigle, Robert  
Durham, Susan  
Ferguson, Charles  
Franks, Suzan  
Haettenschwiller, Alphonse  
Healy, Daniel  
Jean, Claudette  
LaRose, Richard  
Lynde, Harold  
McCarty, Winston  
Mercer, Robert  
Murphy, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Vaillancourt, Steve

Arnold, Thomas, Jr.  
Brundige, Robert  
Chabot, Robert  
Cote, David  
Daniels, Gary  
Dwyer, Paul, Sr.  
Fields, Dennis  
Ginsburg, Ruth  
Hall, Betty  
Holley, Sylvia  
Jean, Loren  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McGough, Tim  
Messier, Irene  
O'Hearn, Jane  
Piteri, Dawn  
Searles, Stanley, Sr.  
Welch, Donald

Baroody, Benjamin  
Burke, M. Virginia  
Christiansen, Lars  
Cote, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Flora, Kathleen  
Golding, William  
Hansen, Herbert  
Holt, David  
Johnson, Lionel  
Leonard, Peter  
MacIntyre, Doris  
McRae, Karen  
Milligan, Robert  
Pepino, Leo  
Reidy, Frank  
Thulander, O. Alan  
Wheeler, Robert

**MERRIMACK**

Adams, Stephen  
Daneault, Gabriel  
Fraser, Marilyn

Anderson, Eric  
DeStefano, Stephen  
French, Barbara

Chandler, Earle  
Dunn, Miriam  
Gile, Mary

Crowell, Peter  
Feuerstein, Martin  
Hager, Elizabeth

Hess, David  
Lamach, Bernard  
Lockwood, Robert  
Morrill, Olive  
Reardon, Tara  
Wallin, Jean

Hoadley, Elizabeth  
Larrabee, David  
Marshall, Kenneth  
Nichols, Avis  
Rogers, Katherine  
Wallner, Mary Jane

Jacobson, Alf  
Lavoie, Gerard  
Maxfield, Roy  
Owen, Derek  
Seldin, Gloria  
Yeaton, Charles

Krueger, Patricia  
Leber, William  
Moore, Carol  
Pfaff, Terence  
St. Cyr, Gerard

### ROCKINGHAM

Aranda, M. Kathryn  
Belanger, Ronald  
Cegelis, Mark  
Cooney, Richard  
Dowd, Sandra  
Felch, Charles, Sr.  
Frechette, Joseph  
Heath, John  
Kane, Cecelia  
Klemm, Arthur, Jr.  
Letourneau, Robert  
McGovern, Cynthia  
Millard, Ralph  
Noyes, Richard  
Raynowska, Bernard  
Simmons, John Anthony  
Syracusa, Anthony  
Welch, David

Arndt, Janet  
Bishop, Franklin  
Christie, Andrew, Jr.  
Cote, Patricia  
Downing, Michael  
Fesh, Robert  
Gibbons, Paul  
Henderson, Warren  
Katsakiores, George  
Kobel, Rudolph  
Lovejoy, Marian  
McKinney, Betsy  
Moore, Benjamin  
O'Keefe, Patricia  
Rubin, George  
Stickney, Nancy  
Sytek, Donna  
Weyler, Kenneth

Battles-Peirce, Marjorie  
Camm, Kevin  
Clark, Martha  
Cushing, Robert  
Dube, LeRoy  
Flanagan, Natalie  
Griffin, Mary  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langley, Jane  
Malcolm, Kenneth  
Micklon, Stephanie  
Norelli, Terie  
Packard, Sherman  
Sabella, Norma  
Stone, Joseph  
Varrell, Thomas  
Woods, Deborah

Beaulieu, Jon  
Case, Margaret  
Coes, Betsy  
Dodge, Robert  
Dunham, Vivian  
Francoeur, Sheila  
Guthrie, Joseph  
Johnson, Robert  
Kelley, Jane  
Langone, John  
McCarthy, John, Jr.  
Mikowski, Walter  
Nowe, Ronald  
Pantelakos, Laura  
Schanda, Frank  
Stritch, C. Donald  
Vaughn, Charles

### STRAFFORD

Berube, Roger  
Brown, Julie  
Dunlap, Patricia  
Kaen, Naida  
McCann, William, Jr.  
Musler, George  
Rollo, Michael  
Sullivan, Henry  
Tsiros, William  
Wall, Janet

Bickford, David  
Callaghan, Frank  
Estabrook, Iris  
Keans, Sandra  
McKinley, Robert  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Twardus, Joseph

Brennan, William  
Cossette, Larry  
Grassie, Anne  
Knowles, William  
Merrill, Amanda  
Pelletier, Marsha  
Snyder, Clair  
Torr, Ann  
Vachon, Dennis

Brown, George  
DeChane, Marlene  
Hemon, Roland  
Lundborn, Raymond  
Merritt, Deborah  
Rogers, Rose Marie  
Spear, Barbara  
Torr, Franklin  
Vincent, Francis

### SULLIVAN

Adler, Rudolf  
Donovan, Thomas  
Lindblade, Eric

Allison, David  
Ferland, Brenda  
Palmer, Lorraine

Burling, Peter  
Kibbey, David  
Schotanus, Merle

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

and lacking the necessary two-thirds, the veto was sustained.  
Rep. Gagnon voted yea and intended to vote nay.

### SENATE MESSAGE

The Senate has voted to sustain the Governor's vetoes on the following bills:

**SB 41**, relative to the time for filing requests for a hearing with the department of labor concerning violations of the whistleblowers' protection act.

**SB 149**, relative to the requirements that state agencies administering federal programs may impose on activities of the private sector.

**SB 202-FN-A-L**, relative to the certification and recertification of teachers, supervisors, and administrators, high school graduation examinations, school building aid, and establishing a committee to study school discipline and manifest educational hardship.

## RESOLUTION

Rep. Wheeler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair. Adopted.

## UNANIMOUS CONSENT

Reps. Leonard, Rosen, Mirski, Rollo, Lockwood, Burling, Teschner, Dickinson and Jacobson addressed the House.

Rep. Hansen moved that the remarks made by Rep. Leonard be printed in the Journal. Adopted.

Rep. Leonard: Thank you, Madam Deputy Speaker. I want to thank all the Representatives. I have had a good year my first term here. I made a lot of friends and no enemies. Like my father always told me, there is good and bad in every party. But everybody in this legislative hall are all good. Next year, when I come back, my reading grade will be up to the third-grade level. Thank you.

Rep. Wright moved that the remarks made by Rep. Rosen be printed in the Journal. Adopted.

Rep. Rosen: Thank you, Madam Deputy Speaker. I am up here to speak about an event that is really a personal event. It affects me personally, but it ties into something I have wanted to speak about for some time. Four days ago, a man by the name of E. Scott McCuskey died. He died of a heart attack in his church pew. Who is E. Scott McCuskey? Those of you who are old enough to remember and were able to read the newspapers in 1942, 1943 and 1944 will remember him as one of the most celebrated heroes we had in the country. He was a navy fighter pilot who flew on several carriers, one of them being in the battle of the Coral Sea. He was at the Battle of Midway where he shot down five planes in one day. The Battle of Midway has been referred to by some historians as one of the three most significant naval battles in history, the others being the Battle of Lepanto and the Battle of Actium in Roman times. E. Scott McCuskey joined the squadron I was in. I was just a brand new, fresh, raw ensign at the time he came into VF8, but his enthusiasm and ability to ignite the fire in other people made for great success in the squadron that I was in. In this particular case, McCuskey was a very eager, hard-working, friendly pilot. In VF8 he continued his good works, he was a very young looking person. He was known in the newspapers at that time — this is a phrase we probably wouldn't use now, but those times were different — he was called the "baby-faced Jap killer." In this age of political correctness, we would probably phrase it more softly. But, it was a very decisive battle. It turned the whole history of the war for the United States. He was highly successful, highly renowned. After the war he had various jobs in the Navy. He finally retired in Florida. He went back to college and he got a doctorate. He was a Ph.D. He was instrumental in setting up the community college system in the state of Florida. His death was a great shock to all of us. We try to remember what he meant to us in those days. The tie-in with current affairs is, briefly, this: I get in a lot of parades on Veteran's Day and so forth and make speeches and go to schools. The present generation and I must say in the generation immediately preceding them, that is the one after me, really have no idea what World War II was. They compare it with just another war such as Vietnam or Korea. Those were not really wars where the country was fighting for its survival. In World War II, we were fighting for our survival. Nothing much happened in Vietnam. Many people think we should not have been there and I happen to be one of them. Korea was a valiant fight. We have quite a few people in this chamber that were in Korea as well as Vietnam. But nobody has an idea of what total war means. A couple of weeks ago, we had the real Memorial Day and then the one that is celebrated. We had the usual patriotic speeches and all that. They usually invite me to give those things because I can still fit in my Navy uniform which has a lot of shiny gold braid. But the most important thing is that when we have a parade I carry a sword. I am the only person in Laconia that can carry a sword in a parade. I will say that I don't try a fancy salute with a sword, I would probably put somebody's eye out now. But, anyhow, I do get a chance to talk to these people. They don't know what I am talking about. They don't know what the old timers are talking about. We've got quite a few people from World War II here and

they probably notice the same thing. What I am going to ask you to do is on July 4<sup>th</sup> and other holidays we have coming up, try to let people know what went on in the past. You have heard the old expression, "Those that ignore history are bound to repeat its mistakes." I think we should let people know the significance of these patriotic holidays. They are not just another Monday off. People should think about the history of our country. They can think about something besides owning the latest electronic equipment and which are the best mutual funds and what their golf scores are. Try and let them know what it is all about. I think that will be something a number of us, particularly a number of us in this chamber, would be able to perpetuate. I think if we do that we would probably do a lot for our country and I am sure we would make E. Scott McCuskey of World War II a very happy man. Thank you.

Rep. Stone moved that the remarks made by Rep. Lockwood be printed in the Journal.

Adopted.

Rep. Lockwood: Thank you Madam Deputy Speaker. Up until a few years ago I never really paid much attention to automobile racing, but now that the New Hampshire International Speedway has become the force it is in the town of Loudon, which is in my district, I have been paying much more attention to what goes over there and what goes on around the country. As you do that, you pick-up the vernacular of the industry. One of the terms that I have picked up is the pit crew. What I would like to do today is to stand here and offer you an opportunity to pay your respects to our pit crew. Our pit crew that I am talking about are people like Lily upstairs in the Clerk's office who would be a rich woman if she had a dime for every deadline she has allowed members to break to get notices in the Calendar. I would like you to pay tribute to Nancy who answers the phone upstairs in the Clerk's office who would also be a rich woman if she had a dime for every dumb question that is asked by legislators like, "When is the next session?" I would offer the same remarks to Dianne who takes questions about what is going on in general and always has an answer. Terry, who takes questions about, "What did we do yesterday?" She always gives you a straight answer on that. Leo, who is not here, but Leo's work that I can see, he does the grunt work. He carries the boxes in and out. That is where he went. He just carried some bills out of here. And, the pit crew boss, Karen Wadsworth. This is a crew, who among other things publishes a 2,200-page book for us every year. So, I think we should give them a resounding vote of thanks for their work and show our appreciation.

### ADJOURNMENT

Rep. Wheeler moved that the House adjourn to the call of the Chair.

Adopted.

The House adjourned at 11:59 a.m.

### (Clerk's Note)

### OUTSTANDING BILLS

At the time of adjournment, the following bills were not reported out of their committees of conference: **HB 430**, **HB 564**, **HB 723** and **SB 216**. **HR 19** remained Laid on the Batle.

**HB 430**, relative to registration of political committees and to political expenditures and contributions.

**HB 564**, increasing the cigarette tax.

**HB 723**, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the health kids corporation to cover adults.

**SB 216**, relative to pari-mutuel racing and taxes on pari-mutuel pools

**HR 19**, affirming unrestricted revenue estimates for fiscal years 1998 and 1999.

Attested by  
Karen O. Wadsworth  
Clerk of the House

## COMMITTEES CREATED BY 1997 CHAPTERS

### STATUTE REPEALED

**RSA 17-P - LITERACY AND REMEDIAL INSTRUCTION COMMITTEE** (repealed by HB 219, Chapter 13, Laws of 1997)

### STATUTE REPEALED AND RE-ENACTED

**RSA 126-H - HEALTHY KIDS CORPORATION** (repeal enacted by Chapter 258:4, 1995 was repealed by HB 401, Chapter 148, Laws of 1997)

**RSA 132:19 - PERINATAL CHEMICAL DEPENDENCY** (repealed and re-enacted by SB 133, Chapter 20, Laws of 1997 to Perinatal Alcohol, Tobacco and other Drug Use Task Force)

**RSA 169-C:39-d - CHILD ABUSE TRUST FUND BOARD** (amended by HB 448, Chapter 254, Laws of 1997 to Children's Trust Fund Board)

### EXTENDED REPORTING DATES FOR CHAPTERED STUDY COMMITTEES

**DEFINITION OF "FACILITY" FOR PROPERTY TAX EXEMPTIONS FOR WATER AND AIR POLLUTION CONTROL FACILITIES STUDY** (HB 1434, Chapter 105, Laws of 1996. Report date extended by HB 708, Chapter 156, Laws of 1997.)

**PAPERLESS TITLE SYSTEM STUDY FOR MOTOR VEHICLE LIENHOLDERS STUDY** (HB 341, Chapter 239, Laws of 1995. Report date extended by HB 445, Chapter 111, Laws of 1997.)

**SLUDGE AND SEPTAGE USE AND DISPOSAL** (HB 1323, Chapter 229:3, Laws of 1996. Report date extended by HB 172, Chapter 5, Laws of 1997.)

**STATE VETERANS' CEMETERY OVERSIGHT COMMITTEE** (HB 1523, Chapter 284:2, Laws of 1994. Report date extended again by SB 182, Chapter 182, Laws of 1997.)

### 1997 STATUTORY APPOINTMENTS

**HB 25 (Chapter 349:16, Laws of 1997) - FEDERAL BUILDINGS AND NEW HAMPSHIRE VETERANS' HOME PATIENTS' NEEDS**

Sens. Carl R. Johnson, Edward M. Gordon and Allen L. Whipple, appointed by the President of the Senate.

Reps. William E. Leber, Marlene M. DeChane and Joseph D. Kenney, appointed by the Speaker of the House.

**HB 158 (Chapter 32, Laws of 1997) - NEW HAMPSHIRE VOLUNTEER PROGRAM STUDY**

Reps. Andrew R. Peterson and Robert P. Asselin, appointed by the Speaker of the House.

Sens. Allen L. Whipple and Sheila Roberge, appointed by the President of the Senate.

**HB 165 (Chapter 139, Laws of 1997) - WITHDRAWAL FROM COOPERATIVE SCHOOL DISTRICTS STUDY**

Sens. Edward M. Gordon, Jim Rubens and Caroline McCarley, all from the Senate Education Committee, appointed by the President of the Senate.

Reps. William S. Belvin, Phil A. Weber and Arthur J. Pelletier, all from the House Education Committee, appointed by the Speaker of the House.

**HB 225 (Chapter 315:3, Laws of 1997) - NEEDLE EXCHANGE PILOT PROGRAM ADVISORY COMMITTEE**

Reps. Cecelia D. Kane and Eleanor H. Amidon, appointed by the Speaker of the House.

Sens. David K. Wheeler and Gary R. Francoeur, appointed by the President of the Senate.

Donald Bisson, appointed by the Governor.

Dr. Jesse Greenblatt, designee of the Medical Director of the Department of Health and Human Services.

Linda Purday, appointed by the Commissioner of Health and Human Services.

Dr. Frederick A. Hartman, representing the New Hampshire Medical Society, appointed by the society.

Chief William Burke, Portsmouth, appointed by the New Hampshire Police Chiefs' Association. Elizabeth Gower representing the New Hampshire Pharmacists Association, appointed by the association.

A representative of the New Hampshire Nurses Association, appointed by such association.

#### **HB 230 (Chapter 145, Laws of 1997) - SCHOOL BUILDING AID SYSTEM STUDY**

Sens. Jim Rubens, John S. Barnes, Jr. and John A. King, appointed by the President of the Senate.

Reps. O. Alan Thulander (Finance), Bruce L. Dearborn (Education) and Arthur J. Pelletier (Education), appointed by the Speaker of the House.

#### **HB 255 (Chapter 48:2, Laws of 1997) - ACCESS TO DENTAL CARE**

Sens. Gary R. Francoeur, Katherine W. Wheeler and David K. Wheeler, appointed by the President of the Senate.

Reps. Margaret A. Case, Anthony Syracuse and Charles W. Ferguson, appointed by the Speaker of the House.

#### **HB 262 (Chapter 191, Laws of 1997) - DEVELOPING AND IMPLEMENTING A STATE-WIDE SCHOOL TECHNOLOGY PLAN OVERSIGHT COMMITTEE**

Sens. Jim Rubens (Education), Sylvia B. Larsen (Education) and Beverly A. Hollingworth (Finance), appointed by the President of the Senate.

Reps. William S. Belvin (Education), Norman L. Major (Science) and Charles L. Vaughn (Finance), appointed by the Speaker of the House.

#### **HB 300 (Chapter 192, Laws of 1997) - JUDICIAL PENSIONS STUDY**

Sens. Leo W. Fraser, Jr., Sheila Roberge and Eleanor P. Podles, appointed by the President of the Senate.

Reps. Merton S. Dyer, Neal M. Kurk and Robert L. Wheeler, appointed by the Speaker of the House.

#### **HB 404 (Chapter 197, Laws of 1997) - PROVIDING UNIVERSAL CATASTROPHIC HEALTH COVERAGE BY ESTABLISHING A STATEWIDE CATASTROPHIC RISK POOL STUDY**

Reps. Keith R. Herman, George Hurt and W. Gordon Allen, appointed by the Speaker of the House.

Sens. James W. Squires, Leo W. Fraser, Jr. and Katherine W. Wheeler, appointed by the President of the Senate.

Monica A. Ciolfi, designee of the Commissioner of Insurance, who shall serve as an ex officio nonvoting member. Alternate: Robert C. Warren.

Alex Feldvebel, designee of the Commissioner of the Department of Health and Human Services, shall serve as an ex officio, nonvoting member.

#### **HB 426 (Chapter 217, Laws of 1997) - LONG-TERM CARE FACILITIES STUDY OF ADMINISTRATION OF MEDICATIONS AND MANAGEMENT OF PERSONAL CARE ASSISTANCE PERSONNEL**

Sens. David K. Wheeler, Eleanor P. Podles and Katherine W. Wheeler, appointed by the President of the Senate.

Reps. Robert W. Foster, Peter L. Batula and Marion L. Copenhaver, appointed by the Speaker of the House.

#### **HB 534 (Chapter 259:2, Laws of 1997) - NEW HAMPSHIRE HIGHWAY AND BRIDGE INFRASTRUCTURE**

Sens. Burton J. Cohen, Richard Danais, Edward M. Gordon and Carl R. Johnson, appointed by the President of the Senate.

Reps. Leon Calawa, Jr. (Public Works), Robert J. Letourneau, Richard J. LaRose (Public Works) and Steve Vaillancourt, appointed by the Speaker of the House. Alternate: Rep. Winston H. McCarty.

#### **HB 540 (Chapter 59, Laws of 1997) - STATE AGENCIES ASSISTANCE TO SMALL BUSINESSES IN COMPLYING WITH STATE LAW**

Sens. Carl R. Johnson, Gary R. Francoeur and Caroline McCarley, appointed by the President of the Senate.

Reps. Kipp A. Cooper, David M. Lawton and Miriam D. Dunn, appointed by the Speaker of the House.

**HB 628 (Chapter 119, Laws of 1997) - MOUNT SUNAPEE AND CANNON MOUNTAIN PROPOSALS STUDY**

Reps. H. Charles Royce, Michael D. Whalley, William E. Williams, Jr., Rudolph A. Adler, David M. Lawton, Peter O. Crowell, Deborah F. Merritt, Paula E. Bradley, Edwin O. Smith and Paul A. McGuirk, appointed by the Speaker of the House.

Sens. Richard L. Russman, Allen Whipple (Minority), Frederick W. King Sr. and Amy Patenaude, appointed by the President of the Senate.

**HB 652 (Chapter 91, Laws of 1997) - POLICE AND FIRE DISPATCHERS CERTIFICATION STUDY**

Reps. Paul K. Chase, Jr., Andrew Christie, Jr., Leo P. Pepino, Timothy S. McGough, Stephen J. Adams, Kathleen M. Flora and Celestine K. Wiggins, appointed by the Speaker of the House.

**HB 671 (Chapter 93, Laws of 1997) - DEPARTMENT OF FISH AND GAME ORGANIZATION, STRUCTURE AND ADMINISTRATION STUDY**

Sens. Burton J. Cohen, David K. Wheeler, Amy Patenaude, Sheila Roberge and John A. King, appointed by the President of the Senate.

Reps. Henry P. Mock (Wildlife), Allen K. MacNeil (Wildlife), Arthur P. Klemm Jr. (Finance), Rose Marie Rogers and Terence R. Pfaff, appointed by the Speaker of the House. Alternate: Rep. Betsey L. Patten.

**HB 687 (Chapter 94, Laws of 1997) - ALAN B. SHEPARD PARK COMMISSION**

Sens. Richard L. Russman, John S. Barnes, Jr. and John A. King, appointed by the President of the Senate.

Reps. MaryAnn N. Blanchard, Phyllis M. Katsakiores and John P. Gleason, appointed by the Speaker of the House.

Richard McLeod, Director of the Division for Parks and Recreation, Department of Resources and Economic Development.

**HB 688 (Chapter 340, Laws of 1997) - COMMITTEE TO STUDY ACTIONS AND ALL INVESTIGATIONS OF THE LATE JOHN C. FAIRBANKS AND OTHER MEMBERS OF THE LEGAL PROFESSION**

Reps. Alf E. Jacobson, Susan J. Clay, Benjamin J. DePecol, Wayne T. Moynihan, David A. Bickford, Barbara H. Richardson and Paul M. Mirski, members of the House Judiciary and Family Law Committee, appointed by the Speaker of the House.

Sens. John S. Barnes, Jr., Sheila Roberge and Allen Whipple, appointed by the President of the Senate.

**HB 693 (Chapter 213, Laws of 1997) - WATER QUALITIES ISSUES STUDY**

Reps. William E. Williams, Jr. (Resources), Martin Feuerstein (Resources), Mary Ellen Martin (Resources), appointed by the Speaker of the House. Alternates: Reps. Jeffrey C. MacGillivray and Stephanie Eaton.

Sens. Carl. R. Johnson, Richard L. Russman and Amy Patenaude, appointed by the President of the Senate.

**HB 695 (Chapter 154:2, Laws of 1997) - EDUCATIONAL REQUIREMENTS OF STUDENT DRIVERS STUDY**

Sens. Edward M. Gordon (Education), Burton J. Cohen (Transportation) and Sheila Roberge (Public Affairs), appointed by the President of the Senate.

Reps. Sherman A. Packard (Transportation), John P. Gleason and Jane E. O'Hearn (Education), appointed by the Speaker of the House.

**HB 706 (Chapter 60, Laws of 1997) - COMMISSION TO REVIEW FISH AND GAME LAWS RELATING TO DAMAGE BY GAME BIRDS AND GAME**

Sens. Sheila Roberge, Burton J. Cohen, Amy Patenaude and Caroline McCarley, appointed by the President of the Senate.

Reps. Henry P. Mock (Wildlife), Robert J. L'Heureux (Wildlife), Harold P. Melcher (Environment) and William R. Phinney (Environment), appointed by the Speaker of the House.

**HB 737 (Chapter 72:2, Laws of 1997) - NH RETIREMENT SYSTEM STUDY ON REDEFINING EARNABLE COMPENSATION**

Reps. Merton S. Dyer (Executive Departments), Robert L. Wheeler and Robert P. Asselin (Executive Departments), appointed by the Speaker of the House.

Sens. Clesson J. Blaisdell, Frederick W. King and Leo W. Fraser, Jr., appointed by the President of the Senate.

**HB 809 (Chapter 73:2, Laws of 1997) - NEW ENGLAND PATRIOTS TO NEW HAMPSHIRE FEASIBILITY STUDY**

Sens. Carl R. Johnson and Clesson J. Blaisdell, appointed by the President of the Senate.

Reps. George Hurt and Anthony Syracuse, appointed by the Speaker of the House.

**SB 19 (Chapter 272, Laws of 1997) - ENVIRONMENTAL IMPACT OF BUSINESSES EXTRACTING WATER FROM THE STATE'S RESOURCES FOR SALE STUDY**

Sens. Carl R. Johnson, Allen Whipple and Richard L. Russman, appointed by the President of the Senate.

Reps. David M. Lawton, Richard T. Cooney and Michael W. Downing, appointed by the Speaker of the House.

**SB 21 (Chapter 300:2, Laws of 1997) - YOUTH EMPLOYMENT LAW STUDY**

Sens. Katherine W. Wheeler, Leo W. Fraser, Jr. and Gary R. Francoeur, appointed by the President of the Senate.

Reps. Robert E. Clegg, Jr., John H. Thomas and Rebecca C. Hutchinson, appointed by the Speaker of the House.

**SB 39 (Chapter 301:4, Laws of 1997) - ABILITY OF NON-BANKS AND NON-CREDIT UNIONS TO OPERATE, MAINTAIN AND ESTABLISH ELECTRONIC CUSTOMER SERVICE TERMINALS STUDY**

Reps. David T. Mittelman, Eric N. Lindblade and Tara G. Reardon, appointed by the Speaker of the House.

Sens. Leo W. Fraser, Jr. (Banks), Carl R. Johnson (Banks) and Katherine W. Wheeler, appointed by the President of the Senate.

**SB 44 (Chapter 164, Laws of 1997) - BUILDING A STATE-OWNED LIQUOR STORE IN KEENE STUDY**

Sens. Clesson J. Blaisdell, John S. Barnes, Jr. and Richard Danais, appointed by the President of the Senate.

Reps. Robert N. Kelley, Stephen G. Avery and Margaret A. Lynch, appointed by the Speaker of the House.

**SB 70 (Chapter 276, Laws of 1997) - CAMPAIGN FINANCE REFORM STUDY**

Sens. Jim Rubens, Beverly A. Hollingworth and Amy Patenaude (Chairman), appointed by the President of the Senate.

Reps. Thomas I. Arnold, Joseph A. Foster and Terence R. Pfaff (Vice Chairman), appointed by the Speaker of the House.

**SB 71 (Chapter 277:3, Laws of 1997) - COMMITTEE TO STUDY AND IDENTIFY STATUTES AND ORDINANCES WHEN PENALTIES ARE UNSPECIFIED**

Sens. Beverly A. Hollingworth, Richard L. Russman and Amy Patenaude, appointed by the President of the Senate.

Reps. William V. Knowles, Herbert R. Hansen and Andrew Christie Jr., appointed by the Speaker of the House.

**SB 82 (Chapter 278, Laws of 1997) - REASONABLE COMPENSATION FOR TRUSTEES OF CHARITABLE TRUSTS STUDY**

Sens. Edward M. Gordon (Judiciary), James W. Squires and Beverly A. Hollingworth, appointed by the President of the Senate.

Reps. Deborah L. Woods (Judiciary), Neil J. Reardon and Irene A. Pratt, appointed by the Speaker of the House.

**SB 103 (Chapter 64, Laws of 1997) - LICENSING OF CHILD DAY CARE CENTERS STUDY**

Sens. Edward M. Gordon, Eleanor P. Podles (Public Institutions) and Caroline McCarley, appointed by the President of the Senate.

Reps. Lawrence A. Emerton Sr. (Health), Alphonse A. Haettenschwiller and Eileen P. Dawe, appointed by the Speaker of the House.

**SB 115 (Chapter 125, Laws of 1997) - WITHDRAWAL OF A RECEIVING DISTRICT FROM AN AREA SCHOOL DISTRICT STUDY**

Sens. Carl R. Johnson, John A. King and Edward M. Gordon, appointed by the President of the Senate.

Reps. William S. Belvin, Richard L. Hill and Richard L. Champagne, appointed by the Speaker of the House.

**SB 122 (Chapter 230, Laws of 1997) - IDENTITY GRIEVANCE PROCEDURES RELATED TO MANAGED CARE STUDY**

Sens. Leo W. Fraser, Jr., James W. Squires and Beverly A. Hollingworth, appointed by the President of the Senate.

Reps. Keith R. Herman, Martha Fuller Clark and Geoffrey C. Briefs, appointed by the Speaker of the House.

**SB 144 (Chapter 67, Laws of 1997) - SILVER LAKE IN THE TOWNS OF BELMONT AND TILTON STUDY**

Sens. Edward M. Gordon, Amy Patenaude and Burton J. Cohen, appointed by the President of the Senate.

Reps. Gordon E. Bartlett, Michael D. Whalley and Paula E. Bradley, appointed by the Speaker of the House.

**SB 146 (Chapter 169, Laws of 1997) - REDUCING NUMBER OF YEARS NEEDED TO BE VESTED IN THE RETIREMENT SYSTEM**

Sens. Beverly A. Hollingworth, Leo W. Fraser, Jr. and Richard Danais, appointed by the President of the Senate.

Reps. Merton S. Dyer, Robert L. Wheeler and Robert P. Asselin, appointed by the Speaker of the House.

**SB 152 (Chapter 68, Laws of 1997) - ADOPTION OF 2-YEAR BUDGET CYCLE FOR MANCHESTER STUDY**

Sens. John A. King, Richard N. Danais and Eleanor P. Podles, appointed by the President of the Senate.

Reps. Cynthia J. Dokmo, Eric Anderson and Marilyn A. Fraser, appointed by the Speaker of the House.

**SB 156 (Chapter 69, Laws of 1997) - SPECIAL EDUCATION SERVICES FOR PUPILS INCARCERATED IN STATE PRISON SYSTEM AND COUNTY CORRECTIONAL FACILITIES STUDY**

Sens. Edward M. Gordon, Gary R. Francoeur (Education) and John A. King, appointed by the President of the Senate.

Reps. Jane E. O'Hearn (Education), Susan B. Durham and L. Randy Lyman, appointed by the Speaker of the House.

**SB 159 (Chapter 233, Laws of 1997) - ACCESS TO DATA CONCERNING PHYSICIANS AND SURGEONS LICENSED UNDER RSA 329 STUDY**

Sens. Beverly A. Hollingworth, James W. Squires and David K. Wheeler, appointed by the President of the Senate.

Reps. Peter L. Batula, Sylvia A. Holley and Patricia M. O'Keefe, appointed by the Speaker of the House.

**SB 164 (Chapter 76, Laws of 1997) - REGISTRY FOR INTELLECTUAL PROPERTY STUDY**

Sens. Edward M. Gordon, Jim Rubens and Allen L. Whipple, appointed by the President of the Senate.

Reps. David T. Mittelman, Toni M. Crosby and Godfrey G. Howard, appointed by the Speaker of the House.

**SB 209 (Chapter 309, Laws of 1997) - RESIDENTIAL CARE OVERSIGHT COMMITTEE**

Sens. James W. Squires (Public Institutions), Clesson J. Blaisdell (Ways and Means) and Richard N. Danais (Finance), appointed by the President of the Senate.

Reps. Robert F. Chabot (Health), Patricia A. Dowling (Finance) and Daniel M. Burnham (Health), appointed by the Speaker of the House.

The Commissioner of Health and Human Services, or designee, and a person from the Medicaid Waiver Office in the Department of Health and Human Services.

**RSA 126-I:1 - COUNCIL FOR CHILDREN AND ADOLESCENTS WITH CHRONIC HEALTH CONDITIONS** (established by HB 472, Chapter 293, Laws of 1997)

Sen. Leo W. Fraser, Jr., appointed by the President of the Senate.

Rep. Kathleen M. Flora, appointed by the Speaker of the House.

One representative of the Department of Health and Human Services, appointed by the Commissioner.

Paul Leather, appointed by the Commissioner, Department of Education.

One representative of the Insurance Department, appointed by the Commissioner.

A director from a community-based agency which has been charged by the council with providing support and services to children and adolescents with chronic health conditions and their families.

Up to 6 representatives of professional and community organizations, which shall represent a cross-section of disciplines and constituencies such as, but not limited to, physicians, nurses, and educators, appointed by the council in accordance with its bylaws.

Up to 13 members who are the parent or guardian of a child or adolescent with a chronic health condition, appointed by the council in accordance with its bylaws.

One parent or guardian of a child or adolescent with a chronic health condition, appointed by the Governor.

**RSA 126-I:3 - LONG-TERM CARE BOARD** (established by HB 690, Chapter 341, Laws of 1997)

Two public members, appointed by the Governor.

Reps. Neal M. Kurk and Maxwell D. Sargent, appointed by the Speaker of the House.

Sens. James W. Squires and John A. King, appointed by the President of the Senate.

John Keegan, designee of the Commissioner of the Department of Health and Human Services.

Monica A. Ciolfi, designee of the Commissioner of Insurance. Alternate: Robert C. Warren.

John E. Porier representing the New Hampshire Health Care Association, appointed by the association.

Maryann Simoni representing the New Hampshire Association of County Nursing Homes, appointed by the association.

Maryellen LaRoche, Ossipee, appointed by the Home Health Care Association of New Hampshire.

A representative of the New Hampshire Hospital Association, appointed by such association.

Dr. Sidney Curelop representing the New Hampshire Medical Society, appointed by the society.

A representative of the Health Insurance Association of America, appointed by such association.

Thomas Wallace, Warner, appointed by the New Hampshire Association of Residential Care Homes.

Robert Forsing, Raymond, appointed by the New Hampshire Chapter of the American Association of Retired Persons

**RSA 126-I:3 - OSTEOPOROSIS ADVISORY COUNCIL** (established by HB 765, Chapter 216, Laws of 1997)

Mindy Fitterman, designee of the Commissioner of Health and Human Services.

Rep. Barbara C. French, appointed by the Speaker of the House.

Sen. Eleanor P. Podles, appointed by the President of the Senate.

Eleven members appointed by the Governor, one representing a women's health organization, 6 health care providers representing the following professions: radiology, orthopedics, nursing, physical therapy, naturopathic medicine, and nutrition; a person with osteoporosis; a public health educator; a social worker; and an expert in bone and osteoporosis research, prevention, and treatment.

**RSA 132:19 - PERINATAL ALCOHOL, TOBACCO AND OTHER DRUG USE TASK FORCE** (established by SB 133, Chapter 30, Laws of 1997)

Reps. David C. Allison and Randy Lyman, appointed by the Speaker of the House.

Sens. Sylvia B. Larsen and James W. Squires, appointed by the President of the Senate.

The Director of the Office of Alcohol and Drug Abuse Prevention, or designee.

An employee of the Department of Health and Human Services who is responsible for public health, appointed by the Commissioner of Health and Human Services.

An employee of the Department of Health and Human Services who is responsible for mental health and developmental services, appointed by the Commissioner of Health and Human Services.

An employee of the Department of Health and Human Services who is responsible for children, youth and families, appointed by the Commissioner of Health and Human Services.

Two members from the medical community, preferably two obstetricians, one representing the New Hampshire chapter of the American College of Obstetricians and Gynecologists (ACOG), appointed by the Governor.

The Director of the Division of Educational Improvement, Department of Education.

The Chairperson of the State Liquor Commission, or designee.

A representative of the New Hampshire Family Planning Council, appointed by such council.

A registered nurse who practices in the area of community perinatal health or substance abuse treatment services, appointed by the New Hampshire Nurses Association.

A midwife, appointed by the New Hampshire chapter of the American College of Nurse Midwives.

Two representatives from substance abuse treatment services, appointed by the Director of the Office of Alcohol and Drug Abuse Prevention.

Four public members, one of whom shall be a woman who has recovered from perinatal substance abuse and one of whom shall be a person from the field of early intervention, appointed by the Governor.

**RSA 137-K:2 - BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL** (established by HB 592, Chapter 262, Laws of 1997)

Three members nominated by the New Hampshire Brain Injury Association, appointed by the Governor and who are the survivor, parent, spouse, or guardian of a person who is afflicted with a brain or spinal cord injury.

Two members appointed by the Governor who represent the professional community working in brain and spinal cord injury in treatment, rehabilitation, and community-based programs.

Sen. Beverly A. Hollingworth, appointed by the President of the Senate.

Rep. Robert K. Boyce, appointed by the Speaker of the House.

Two members appointed by the New Hampshire Brain Injury Association.

One member representing the Bureau of Vocational Rehabilitation, appointed by the Commissioner of Education.

Elaine Frank representing the Injury Prevention Center at Dartmouth Medical School, appointed by the department head responsible for the program.

**RSA 169-C:39-d - CHILDREN'S TRUST FUND BOARD** (Membership amended by HB 448, Chapter 254, Laws of 1997)

(a) Eight members to be appointed by the board, as follows:

(1) Three members who are knowledgeable about child development, child health, child psychology, education, juvenile delinquency, or related fields.

(2) Three members who are knowledgeable about the organization and administration of volunteer community services and grant administration.

(3) Two members who are knowledgeable about banking, finance, investments, tax law, business, or public relations.

(b) Two members of the Senate to be appointed by the President of the Senate.

(c) Reps. Sharon L. Nordgren and Susan J. Clay, appointed by the Speaker of the House.

(d) The Attorney General or a designee.

(e) Nancy Rollins representing Children, Youth, and Families appointed by the Commissioner of the Department of Health and Human Services.

(f) Audrey Knight representing Public Health appointed by the Commissioner of the Department of Health and Human Services.

(g) One member, who shall be knowledgeable about one of the areas designated in subparagraph (a), appointed by the Governor.

**RSA 195-H:2 - COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION** (established by SB 169, Chapter 304:2, Laws of 1997)

The State Treasurer.

Reps. Andrew R. Peterson and O. Alan Thulander (Finance), appointed by the Speaker of the House.  
Sens. Sylvia B. Larsen and Edward M. Gordon, appointed by the President of the Senate.

The Governor, or designee.

Michael J. Cyrans and Martha T. Gooze, public members, appointed by the Governor.

Dr. Edward McKay representing the College and University System of New Hampshire, appointed by the Chancellor.

One member of the Postsecondary Education Commission, appointed by the members of such commission.

Mary Milliken representing the Regional Community-technical College System, appointed by the Commissioner.

One member representing the New Hampshire College and University Council, appointed by the members of the council.

One member representing the New Hampshire Higher Education Assistance Foundation, appointed by the foundation.

**RSA 374:22-h - TELECOMMUNICATIONS OVERSIGHT COMMITTEE** (established by HB 452, Chapter 201, Laws of 1997)

Sens. Amy Patenaude, Carl R. Johnson, Leo W. Fraser, Jr., Jim Rubens, John A. King, Allen Whipple and Frederick W. King, Sr., appointed by the President of the Senate.

Reps. Jeb E. Bradley, Jeffrey C. MacGillivray, David B. Holt, Norman L. Major, Harold V. Lynde, Terie T. Norelli and John H. Thomas, appointed by the Speaker of the House.

**RSA 541-B:23 - CLINICAL OPERATION AND ADMINISTRATION OF NH HOSPITAL OVERSIGHT COMMITTEE** (established by SB 60, Chapter 166, Laws of 1997)

Reps. Merton S. Dyer and Eric Anderson, appointed by the Speaker of the House.

Sens. Leo W. Fraser, Jr. and Caroline McCarley, appointed by the President of the Senate.

## RESIGNATIONS, DEATHS, SPECIAL ELECTIONS

### RESIGNED

|          |           |                       |
|----------|-----------|-----------------------|
| 02/11/97 | Straf 19  | Torr, Ralph W., r     |
| 02/13/97 | Hills 33  | Sullens, Joan C., r   |
| 05/02/97 | Hills. 14 | Holden, Carol H., r   |
| 06/30/97 | Rock. 13  | Aranda, M. Kathryn, r |

### DECEASED

|          |          |                       |
|----------|----------|-----------------------|
| 03/26/97 | Sull. 9  | Krueger, Richard H, r |
| 04/20/97 | Rock. 26 | Gage, Beverly A., r   |

### SWORN IN LATE

#### Took oath:

|          |           |                       |
|----------|-----------|-----------------------|
| 01/09/97 | Rock. 22  | Cushing, Robert R., d |
| 04/02/97 | Hills. 41 | Healy, Daniel J., d   |

### SPECIAL ELECTIONS

#### Took oath:

|          |           |                       |
|----------|-----------|-----------------------|
| 06/25/97 | Straf. 19 | Cossette, Larry J., r |
|----------|-----------|-----------------------|

### NAME CHANGES:

|         |          |  |
|---------|----------|--|
| 1/3/97  | Rock. 18 | Battles, Marjorie to Battles-Peirce, Marjorie, r&d |
| 5/13/97 | Belk. 5  | Ziegra, Alice S. to Calvert, Alice Z., r           |

### PARTY BREAKDOWN ON THE 400 SEATS

|                                     |        |         |       |   |     |
|-------------------------------------|--------|---------|-------|---|-----|
| Republicans:                        | 201 R, | 44 R&D, | 3 R&L | = | 248 |
| Democrats:                          | 113 D, | 31 D&R, | 1 D&L | = | 145 |
| Independents:                       | 1 I&R, | 1 I,D,R |       | = | 2   |
| Currently elected and qualified:    |        |         |       | = | 395 |
| Vacancies: Resignations 3, Deaths 2 |        |         |       | = | 5   |
| Total Seats                         |        |         |       | = | 400 |
| Men: 275, Women: 119                |        |         |       |   |     |

# TABLE OF REFERENCES

## FROM CHAPTER OF 1997 LAWS TO BILL NUMBERS

| Chapter | Bill Number | Chapter | Bill Number | Chapter | Bill Number |
|---------|-------------|---------|-------------|---------|-------------|
| 1       | SB 107      | 52      | HB 343      | 103     | HB 277      |
| 2       | HB 160      | 53      | HB 381      | 104     | HB 291      |
| 3       | SB 108      | 54      | HB 398      | 105     | HB 315      |
| 4       | HB 193      | 55      | HB 434      | 106     | HB 383      |
| 5       | HB 172      | 56      | HB 471      | 107     | HB 391      |
| 6       | HB 267      | 57      | HB 498-FN-A | 108     | HB 421      |
| 7       | HB 307      | 58      | HB 516-FN   | 109     | HB 424      |
| 8       | HB 403      | 59      | HB 540      | 110     | HB 440-FN   |
| 9       | HB 681      | 60      | HB 706      | 111     | HB 445      |
| 10      | HB 120-FN   | 61      | HB 713      | 112     | HB 483      |
| 11      | HB 123      | 62      | SB 76       | 113     | HB 495      |
| 12      | HB 150-FN   | 63      | SB 87       | 114     | HB 525      |
| 13      | HB 219      | 64      | SB 103      | 115     | HB 539      |
| 14      | HB 222      | 65      | SB 110      | 116     | HB 580-FN   |
| 15      | HB 309      | 66      | SB 119      | 117     | HB 586      |
| 16      | HB 321      | 67      | SB 144      | 118     | HB 598-FN   |
| 17      | HB 331      | 68      | SB 152      | 119     | HB 628      |
| 18      | HB 678      | 69      | SB 156      | 120     | HB 650      |
| 19      | HB 105      | 70      | SJR 1       | 121     | HB 672-FN   |
| 20      | SB 133      | 71      | HB 415      | 122     | HB 674-FN   |
| 21      | HB 194-FN   | 72      | HB 737-FN   | 123     | SB 75-FN    |
| 22      | HB 228      | 73      | HB 809      | 124     | SB 98-FN    |
| 23      | HB 313      | 74      | HB 810-FN-A | 125     | SB 115      |
| 24      | HB 324      | 75      | HJR 4       | 126     | SB 123      |
| 25      | HB 325      | 76      | SB 164      | 127     | SB 129      |
| 26      | HB 341      | 77      | HB 102      | 128     | SB 176-FN   |
| 27      | HB 349      | 78      | HB 208      | 129     | SJR 2       |
| 28      | HB 523      | 79      | HB 249      | 130     | HB 51-FN-A  |
| 29      | HB 585      | 80      | HB 257      | 131     | HB 52       |
| 30      | SB 24       | 81      | HB 264      | 132     | HB 53-FN-A  |
| 31      | HB 114      | 82      | HB 269      | 133     | HB 117      |
| 32      | HB 158      | 83      | HB 285      | 134     | HB 129      |
| 33      | HB 163      | 84      | HB 342      | 135     | HB 136      |
| 34      | HB 217      | 85      | HB 348-FN   | 136     | HB 140      |
| 35      | HB 227      | 86      | HB 368      | 137     | HB 144-FN   |
| 36      | HB 297      | 87      | HB 399      | 138     | HB 151-FN   |
| 37      | HB 351      | 88      | HB 402      | 139     | HB 165      |
| 38      | HB 380      | 89      | HB 501      | 140     | HB 187-FN-A |
| 39      | HB 698      | 90      | HB 624      | 141     | HB 196-FN   |
| 40      | HB 769-FN   | 91      | HB 652      | 142     | HB 210      |
| 41      | HB 216      | 92      | HB 653      | 143     | HB 224-FN   |
| 42      | HB 251-FN   | 93      | HB 671-A    | 144     | HB 226      |
| 43      | HB 390      | 94      | HB 687      | 145     | HB 230      |
| 44      | HB 392      | 95      | HB 714      | 146     | HB 258-FN   |
| 45      | SB 81       | 96      | HB 797      | 147     | HB 296      |
| 46      | HJR 7       | 97      | HB 805      | 148     | HB 401      |
| 47      | HB 215      | 98      | HJR 5       | 149     | HB 425      |
| 48      | HB 255      | 99      | SB 34       | 150     | HB 488-FN   |
| 49      | HB 328      | 100     | SB 85       | 151     | HB 571-FN-A |
| 50      | HB 332      | 101     | HB 171      | 152     | HB 596-FN   |
| 51      | HB 336      | 102     | HB 375      | 153     | HB 622-FN   |

| Chapter | Bill Number | Chapter | Bill Number | Chapter | Bill Number |
|---------|-------------|---------|-------------|---------|-------------|
| 154     | HB 695      | 209     | HB 638-FN   | 264     | HB 636      |
| 155     | HB 704      | 210     | HB 658-FN-A | 265     | HB 700-FN   |
| 156     | HB 708      | 211     | HB 667      | 266     | HB 701      |
| 157     | HB 722-FN   | 212     | HB 677-FN   | 267     | HB 744-FN   |
| 158     | HB 770-FN   | 213     | HB 693      | 268     | HB 755-FN   |
| 159     | HB 787-FN   | 214     | HB 718      | 269     | HB 771-FN   |
| 160     | HJR 2       | 215     | HB 724-FN   | 270     | SB 12       |
| 161     | SB 17       | 216     | HB 765-FN   | 271     | SB 16       |
| 162     | SB 31       | 217     | HB 426      | 272     | SB 19       |
| 163     | SB 38       | 218     | HB 711      | 273     | SB 30       |
| 164     | SB 44       | 219     | HB 731-FN-A | 274     | SB 54-FN    |
| 165     | SB 49-FN    | 220     | HB 735-FN   | 275     | SB 64-FN-A  |
| 166     | SB 60-FN    | 221     | HB 746-FN   | 276     | SB 70       |
| 167     | SB 72       | 222     | HB 773-FN   | 277     | SB 71-FN    |
| 168     | SB 138      | 223     | HB 799      | 278     | SB 82       |
| 169     | SB 146      | 224     | SB 18       | 279     | SB 93       |
| 170     | SB 167      | 225     | SB 36       | 280     | SB 101      |
| 171     | SB 212-FN   | 226     | SB 40       | 281     | SB 143      |
| 172     | HB 121      | 227     | SB 94       | 282     | SB 165      |
| 173     | SB 47-FN    | 228     | SB 105      | 283     | SB 207-FN   |
| 174     | SB 104      | 229     | SB 116-FN   | 284     | SB 211-FN   |
| 175     | SB 139      | 230     | SB 122      | 285     | HB 110      |
| 176     | HB 808      | 231     | SB 135      | 286     | HB 229-FN-A |
| 177     | HB 527      | 232     | SB 155      | 287     | HB 537-FN   |
| 178     | HB 536      | 233     | SB 159-FN   | 288     | HB 254      |
| 179     | HB 662      | 234     | SB 189-FN   | 289     | HB 205      |
| 180     | HJR 6       | 235     | HJR 1       | 290     | HB 265      |
| 181     | SB 5        | 236     | HB 128      | 291     | HB 413      |
| 182     | SB 182-FN   | 237     | HB 130      | 292     | HB 431      |
| 183     | HB 154      | 238     | HB 142      | 293     | HB 472      |
| 184     | HB 161      | 239     | HB 157      | 294     | HB 566-FN-A |
| 185     | HB 181      | 240     | HB 197-FN   | 295     | HB 575      |
| 186     | HB 186-FN   | 241     | HB 201      | 296     | HB 611-FN   |
| 187     | HB 190      | 242     | HB 236-FN   | 297     | HB 646-FN-A |
| 188     | HB 243      | 243     | HB 252      | 298     | HB 726-FN   |
| 189     | HB 246      | 244     | HB 273-FN   | 299     | SB 6        |
| 190     | HB 261      | 245     | HB 318      | 300     | SB 21       |
| 191     | HB 262-FN-A | 246     | HB 329      | 301     | SB 39       |
| 192     | HB 300      | 247     | HB 338      | 302     | SB 79       |
| 193     | HB 327      | 248     | HB 340      | 303     | SB 124      |
| 194     | HB 370      | 249     | HB 344      | 304     | SB 169-FN   |
| 195     | HB 372      | 250     | HB 352      | 305     | SB 177-FN   |
| 196     | HB 389      | 251     | HB 378      | 306     | SB 180-FN-A |
| 197     | HB 404      | 252     | HB 412      | 307     | SB 183-FN   |
| 198     | HB 416      | 253     | HB 417      | 308     | SB 194-FN-A |
| 199     | HB 429      | 254     | HB 448      | 309     | SB 209-FN   |
| 200     | HB 437-FN   | 255     | HB 450      | 310     | SB 213-FN-A |
| 201     | HB 452      | 256     | HB 454      | 311     | HB 442      |
| 202     | HB 457-FN   | 257     | HB 459-FN   | 312     | HB 183      |
| 203     | HB 468      | 258     | HB 511-FN   | 313     | HB 188-FN   |
| 204     | HB 469      | 259     | HB 534      | 314     | HB 203      |
| 205     | HB 473      | 260     | HB 554      | 315     | HB 225-FN   |
| 206     | HB 528      | 261     | HB 588-FN   | 316     | HB 433      |
| 207     | HB 533-FN   | 262     | HB 592-FN-A | 317     | HB 502      |
| 208     | HB 572-FN   | 263     | HB 609-FN   | 318     | SB 109      |

| Chapter | Bill Number | Chapter | Bill Number | Chapter | Bill Number |
|---------|-------------|---------|-------------|---------|-------------|
| 319     | HB 289      | 330     | HB 811      | 341     | HB 690      |
| 320     | HB 436-FN   | 331     | SB 4        | 342     | HB 785-FN   |
| 321     | HB 447      | 332     | SB 29       | 343     | SB 172      |
| 322     | HB 453      | 333     | SB 35       | 344     | SB 130      |
| 323     | HB 462-FN   | 334     | SB 154      | 345     | SB 178-FN   |
| 324     | HB 478      | 335     | SB 162-FN-A | 346     | HB 582-FN   |
| 325     | HB 567-FN   | 336     | SB 163      | 347     | HB 602-FN-A |
| 326     | HB 584      | 337     | SB 203-FN   | 348     | HB 50-FN-A  |
| 327     | HB 696-FN   | 338     | HB 599-FN   | 349     | HB 25-A     |
| 328     | HB 781-FN   | 339     | HB 632      | 350     | HB 1-A      |
| 329     | HB 806-FN   | 340     | HB 688-FN-A | 351     | HB 2-FN-A   |

## HOUSE JOURNAL

### NUMERICAL INDEX

This index, arranged by bill and resolution numbers, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

|      |   |
|------|---|
| HB   | House Bills                                     |
| HJR  | House Joint Resolutions                         |
| HCR  | House Concurrent Resolutions                    |
| HR   | House Resolutions                               |
| SB   | Senate Bills                                    |
| SJR  | Senate Joint Resolutions                        |
| CACR | Constitutional Amendment Concurrent Resolutions |

To find a bill by its subject see the Subject Index immediately following this NUMERICAL Index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

|                  |  |
|------------------|--|
| adop             | adopted  |
| am               | amended, amendment   |
| Com              | re-referred to committee                                       |
| conc             | concurred, concurrence   |
| conf             | conference committee   |
| Criminal Justice | referred to Criminal Justice and Public Safety Committee       |
| enr              | enrolled   |
| Exec Depts       | referred to Executive Departments and Administration Committee |
| ext              | extension of time for hearing                                  |
| Finance          | referred to Finance Committee                                  |
| intro            | introduced, introduction                                       |
| IP               | indefinitely postponed   |
| K                | killed (Inexpedient to Legislate)                              |
| (K)              | final action in 2 <sup>nd</sup> body                           |
| LT               | Laid on the table  |
| nonconc          | nonconcurred   |
| opin             | opinion  |
| psd              | passed   |
| RC               | roll call  |
| rcmt             | recommitted  |
| recon            | reconsideration, reconsidered                                  |
| rej              | rejected   |
| rem              | removed from consent calendar                                  |
| rep              | report   |
| req              | requests, requested  |
| S                | Senate   |
| S Ct             | New Hampshire Supreme Court                                    |
| SO               | special order  |
| study            | referred to interim study committee                            |
| wthd             | withdrawn  |

## 1997 SESSION

## HOUSE BILLS

**HB 1-A**, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1998, and June 30, 1999. (Kurk, Hills 5: Finance)  
198, am (RC) 658-660, psd 689, nonconc S am, conf 866, 874, 878, suspension of rules rej (RC) 897-900, rules suspended, rep adop (2 RCs) & protest 933-938, enr 954 (Chapter 350)

**HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures. (Kurk, Hills 5: Finance)  
198, am (RC) 661-666, psd 689, nonconc S am, conf 866, 874, 878, suspension of rules rej (RC) 897-900, rules suspended & rep adop (2 RCs) 927-933, enr am 952-953, enr 954 (Chapter 351)

**HBs 3 - 24**, not introduced.

**HB 25-A**, making appropriations for capital improvements. (G. Chandler, Carr 1: Public Works and Highways)

**new title:** making appropriations for capital improvements, establishing a committee to study federal buildings and patients needs relative to the veterans' home, and relative to the purposes of the health care transition funds.

**2<sup>nd</sup> new title:** making appropriations for capital improvements and establishing a committee to study federal buildings and patients needs relative to the veterans' home.

168, am & Finance 582-591, rules suspended 621, am 634-643, psd 689, nonconc S am, conf 867, 874, rules suspended & rep adop (2RCs) 938-944, enr 954, appointments 964 (Chapter 349)

**HBs 26 - 49**, not introduced

**HB 50-FN-A-L**, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor. (Burling, Sull 1; et al: Education)

**new title:** increasing aid for kindergarten programs, establishing a kindergarten scholarship aid program, relative to funding state aid to education and making an appropriation therefor, making an appropriation for postsecondary tuition incentive grants, and providing that catastrophic aid shall be fully funded.

198, Finance (RC) & remarks 578-582, rules suspended 621, am (RC) 643-649, psd 689, nonconc S am, conf 870, 874, rules suspended & rep adop (3 RCs) 944-952, enr 954 (Chapter 348)

**HB 51-FN-A**, extending the temporary tax rates of the meals and rooms tax, communications services tax, and real estate transfer tax through the biennium ending June 30, 1999. (Burling, Sull 1: Finance)

199, psd (3 RCs) 604-612, 622, S conc 760, enr 829 (Chapter 130)

**HB 52**, authorizing the assignment of superior court judges to hear cases in the district court. (A. Merrill, Straf 8; et al: Judiciary and Family Law)

257, psd 603, 622, S conc 830, enr 876 (Chapter 131)

**HB 53-FN-A**, relative to the meals and rooms tax and tourism promotion and making appropriations therefor. (Burling, Sull 1; Avery, Ches 8: Finance)

**new title:** relative to electronic data submission under the meals and rooms tax.

573, rules suspended 592, am 627-628, psd 689, S conc 760, enr 829 (Chapter 132)

**HBs 54 - 100**, not introduced

**HB 101-FN-L**, requiring a certain road in the town of Lyman to be maintained year-round by the state. (Trelfa, Graf 2; et al: Public Works and Highways)

39, K 75

**HB 102-L**, relative to criminal history checks for all school employees and applicants. (Spear, Straf 5, et al: Education)

**new title:** relative to school employee background investigations.

39, am 365-366, psd 381, S conc 760, enr 829 (Chapter 77)

**HB 103**, relative to the standard of care owed by landowners to children. (Dodge, Rock 4; et al: Judiciary and Family Law)

39, K 74

- HB 104-FN**, requiring a plea bargaining agreement to be submitted to the court for judgment at least 2 weeks prior to the trial date. (Dodge, Rock 4; et al: Criminal Justice and Public Safety) 39, K 172
- HB 105**, extending the time limits for holding an adjudicatory hearing in certain delinquency cases. (Hunter, Hills 7; et al: Criminal Justice and Public Safety)  
**new title:** allowing an extension of time limits upon a showing of good cause for holding an adjudicatory hearing in certain delinquency cases.  
39, am 73, psd 90, conc S am 626, enr 690 (Chapter 19)
- HB 106-L**, requiring ballot clerks to verify the identity of persons receiving ballots by requesting an identification card. (Nowe, Rock 3: Election Law)  
39, K 73-74
- HB 107**, requiring health care providers to exhaust medicare and secondary payors before billing the patient. (Fenton, Hills 24: Commerce)  
39, K 72
- HB 108-FN-A**, relative to the rate of the legacies and successions tax as it applies to siblings of the decedent together with their spouses and lineal ascendants and descendants of siblings of the decedent together with their spouses. (Steere, Ches 11; et al: Finance)  
39 Com 207
- HB 109-FN**, requiring the state to rebate to the seller a portion of the state car registration fee for a car sold after the seller registers it. (Ferguson, Hills 13: Transportation)  
39, K 76
- HB 110**, relative to the use of and school district liability for the use of district computer systems and networks. (Thomas, Belk 3: Education)  
39, am 122, psd 130, nonconc S am, conf 867, 874, rep adop 900, enr 913 (Chapter 285)
- HB 111-FN**, relative to preservation and access to records of legislation in the state archives. (Whittemore, Merr 13; et al: Legislative Administration)  
39, Com 178
- HB 112**, requiring that all changes in state taxes be passed by a 60 percent majority of each house of the general court. (Cobbin, Graf 11: Finance)  
39, K (RC) 102-105
- HB 113-FN-A**, reducing the rate of the communications services tax. (Cobbin, Graf 11: Finance)  
39, K 350
- HB 114**, requiring members of conservation commissions to be residents of the city or town which they represent. (Abbott, Rock 19; et al: Municipal and County Government)  
39, psd 75, 90, S conc 625, enr 690 (Chapter 31)
- HB 115-FN**, relative to payment from state funds for damage to cultivated blueberries caused by game. (Whittemore, Merr 13: Wildlife and Marine Resources)  
39, K 102
- HB 116-FN-L**, allowing for the surviving spouse of a former prisoner of war (POW) to retain the special number plates after the death of the former prisoner of war. (B. Gage, Rock 26: Transportation)  
39, K 76
- HB 117**, relative to Persian Gulf War bonus payments. (Kenney, Carr 6: State-Federal Relations and Veterans Affairs)  
39, am 437, psd 522, conc S am 739, enr 829 (Chapter 133)
- HB 118-FN**, relative to penalties for marijuana possession. (Robertson, Ches 18; et al: Criminal Justice and Public Safety)  
40, rem 383, SO 521, K 566
- HB 119-FN**, increasing the fee to hunt migratory waterfowl. (Abbott, Rock 19: Wildlife and Marine Resources)  
40, K 214

- HB 120-FN**, amending certain license fees and making various technical changes to the fish and game laws. (Abbott, Rock 19: Wildlife and Marine Resources)  
40, am 161-162, psd 167, S conc 574, enr 689 (Chapter 10)
- HB 121**, relative to quality review for accountancy and requiring the board of accounting to adopt administrative rules. (Dodge, Rock 4; et al: Executive Departments and Administration)  
**new title**: relative to quality review for accountancy, requiring the board of accountancy to adopt administrative rules, and giving the board of accountancy authority to revoke certain certificates and permits.  
40, rem 203, am 252, psd 257, conc S am 833, enr 876 (Chapter 172)
- HB 122**, relative to the operation of games of chance conducted by charitable organizations. (Desrosiers, Hills 45: Local and Regulated Revenues)  
40, K 101
- HB 123**, relative to reduced speed limits in school zones during school openings and closings. (Beaulieu, Rock 10: Transportation)  
40, psd 121, 130, S conc 593, enr 689 (Chapter 11)
- HB 124-FN**, relative to dental care insurance for state employees and retired state employees. (Ferguson, Hills 13; et al: Executive Departments and Administration)  
40, K 262
- HB 125**, relative to methadone therapy. (Lamach, Merr 3: Criminal Justice and Public Safety)  
40, K 114
- HB 126-FN-L**, repealing road toll refunds for retail dealers. (Lamach, Merr 3: Public Works and Highways)  
40, Com 145
- HB 127-FN-L**, designating a portion of the meals and rooms tax for distribution to cities and towns based on the amount of land in current use. (Cobbin, Graf 11; et al: Finance)  
40, K 207
- HB 128**, relative to state regulation of participation by foreign banks in the financial markets of New Hampshire. (Lindblade, Sull 7; et al: Commerce)  
40, psd 72, 90, S conc 738, enr am 903-906, enr 913 (Chapter 236)
- HB 129**, relative to the definition of emergency services for health care insurance purposes. (Herman, Hills 13; et al: Commerce)  
40, am 76-77, psd 90, S conc 830, enr 876 (Chapter 134)
- HB 130**, clarifying the authority of county commissioners to arrange for work by prisoners. (Noyes, Rock 26, et al: Criminal Justice and Public Safety)  
40, am 100-101, psd 112, nonconc S am, conf 870, 874, rep adop 900, enr 913 (Chapter 237)
- HB 131**, relative to notification regarding workers' compensation coverage for subcontractors. (J. McCarthy, Rock 24: Labor, Industrial and Rehabilitative Services)  
40, K 143
- HB 132-FN**, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge. (Varrell, Rock 9; et al: Wildlife and Marine Resources)  
40, Com 194
- HB 133**, establishing a family resource council to address the efficient delivery of services to children and families. (Metzger, Ches 13; et al: Judiciary and Family Law)  
40, SO 521, K 524
- HB 134**, clarifying the distinction between homeworkers and independent contractors for the purposes of unemployment compensation. (Lindblade, Sull 7: Labor, Industrial and Rehabilitative Services)  
40, K 143
- HB 135**, requiring a waiting period before the retail price of home heating fuel oil is increased in certain circumstances. (G. Brown, Straf 17; et al: Commerce)  
40, K 72

- HB 136**, establishing a committee to study the authority, functions, duties, and responsibilities of the fire standards and training commission. (Hunter, Hills 7; et al: Criminal Justice and Public Safety)  
**new title:** relative to the division of fire standards and training and the fire standards and training commission.  
40, am 340-343, psd 380, S conc 760, enr 829 (Chapter 135)
- HB 137-A**, relative to the Abbott or Bridge Street bridge in Pelham and making an appropriation therefor. (Fenton, Hills 24; et al: Public Works and Highways)  
40, K 75
- HB 138-FN**, relative to the design and the display of the state flag. (Hunter, Hills 7; et al: Executive Departments and Administration)  
40, K 74
- HB 139**, relative to fishing in a certain portion of the Pemigewasset river. (Phinney, Graf 8: Wildlife and Marine Resources)  
40, K 102
- HB 140**, relative to the sale of apples and relative to maple syrup and sap hydrometers and orders issued by the commissioner for noncompliance with the laws regulating maple and honey products. (Owen, Merr 6: Environment and Agriculture)  
**new title:** relative to the sale of apples and relative to maple sap and syrup hydrometers and orders issued by the commissioner of agriculture, markets, and food for noncompliance with the laws regulating maple and honey products.  
40, am 141, psd 167, S conc 625, enr am 762-763, enr 870 (Chapter 136)
- HB 141-L**, relative to the powers and authority of local police chiefs. (Fenton, Hills 24: Criminal Justice and Public Safety)  
40, K 73
- HB 142**, relative to false residency forms and automobile insurance. (Hunt, Ches 10; et al: Commerce)  
41, psd 72, 90, S conc 865, enr 913 (Chapter 238)
- HB 143-L**, requiring that SAU budgets be approved by vote at school district meetings. (Hunter, Hills 7; et al: Education)  
41, Com 183
- HB 144-FN**, relative to cash incentives paid to servants and agents, excluding commission employees, authorized to sell tickets. (R. Kelley, Hills 18: Local and Regulated Revenues)  
41, am & Finance 178-179, psd 576, 592, S conc 760, enr 829 (Chapter 137)
- HB 145-FN**, relative to eligibility of certain group II retirement system members to transfer certain group I creditable service to group II creditable service. (Pantelakos, Rock 30: Executive Departments and Administration)  
41, K 74
- HB 146**, relative to gifts by agents under general powers of attorney. (Carson, Rock 29: Judiciary and Family Law)  
41, K 101
- HB 147**, relative to disclosure of certain information relating to tobacco products. (Buckley, Hills 44; et al: Commerce)  
41, Com 443
- HB 148**, prohibiting a member of the state board of education from simultaneously serving as a state representative or senator. (Champagne, Ches 19; et al: Legislative Administration)  
41, K 126
- HB 149-FN**, relative to the regulation of the profession of physical therapy. (Dodge, Rock 4: Executive Departments and Administration)  
41, am 149-151, psd 167, S conc 738, enr am 906, enr 913, veto sustained (RC) 959-961
- HB 150-FN**, relative to the unlawful alteration of temporary motor vehicle registration plates. (Hunter, Hills 7; et al: Transportation)  
41, psd 77, 90, S conc 593, enr 689 (Chapter 12)

- HB 151-FN-L**, establishing comprehensive medical, physical, and psychological standards for law enforcement officers. (Pepino, Hills 40; et al: Criminal Justice and Public Safety)  
41, rem 172, rcmt 194, rem 339, am & Finance 377-378, psd 595, 621, S conc 738, enr 876 (Chapter 138)
- HB 152**, relative to permissible fireworks. (Hunter, Hills 7; et al: Criminal Justice and Public Safety)  
41, Com 101
- HB 153**, exempting emergency medical technicians from jury duty. (McKinney, Rock 29: Judiciary and Family Law)  
41, K 101
- HB 154-L**, defining "legal resident" for purposes of school attendance. (Spear, Straf 5; et al: Education)  
41, am 115, psd 130, conc S am 833, enr 880 (Chapter 183)
- HB 155-L**, relative to the maintenance of roads within certain village districts. (Philbrick, Carr 4; et al: Public Works and Highways)  
41, K 76
- HB 156**, eliminating straight ticket voting. (Manning, Ches 9; et al: Election Law)  
41, K (RC) 475-478
- HB 157**, prohibiting certain inducement practices in offering small consumer loans. (Melcher, Hills 11; et al: Commerce)  
**new title:** requiring persons marketing small consumer loans by offering inducement checks to print a disclosure on the inducement checks.  
**2<sup>nd</sup> new title:** requiring persons marketing loans by offering inducement checks to print a disclosure on the inducement checks.  
41, am 148, psd 167, nonconc S am, conf 833, 866, rep adop 900, enr am 912, enr 926 (Chapter 239)
- HB 158**, creating a committee to study the establishment of a New Hampshire volunteer program. (Lovett, Graf 6; et al: Executive Departments and Administration)  
41, am 141, psd 167, S conc 625, enr 690, appointments 964 (Chapter 32)
- HB 159-FN**, granting free hunting and fishing licenses to New Hampshire residents that are members of a federally recognized Indian tribe. (Babson, Carr 5: Wildlife and Marine Resources)  
41, K 102
- HB 160-L**, authorizing the governing body of the town of Raymond to order an assessor's plat to clarify property ownership. (Lovejoy, Rock 12; et al: Municipal and County Government)  
41, am 75, psd 90, S conc & enr 112 (Chapter 2)
- HB 161**, relative to pecuniary benefit transactions by charitable trusts. (Hunt, Ches 10; et al: Commerce)  
**new title:** relative to pecuniary benefit transactions by charitable trusts and relative to charitable nonprofit corporations.  
41, psd 77, 90, conc S am 833, enr am 906, enr 913 (Chapter 184)
- HB 162**, eliminating the opportunity of a political party to submit a person's name for candidacy after the filing period for individuals has passed. (Kaen, Straf 7; et al: Election Law)  
41, K 173
- HB 163**, repealing the law which requires the commissioner of health and human services to deny the application or renewal of the license of an emergency medical technician convicted of driving while intoxicated. (Dolan, Rock 12; et al: Commerce)  
41, psd 73, 90, S conc 625, enr 690 (Chapter 33)
- HB 164**, relative to certain discussions under the right-to-know law. (Herman, Hills 13: Judiciary and Family Law)  
41, rem 72, K 78
- HB 165**, establishing a committee to study withdrawal from cooperative school districts. (Thulander, Hills 6: Education)  
41, am 73, psd 90, conc S am 761, enr 829, appointments 964 (Chapter 139)

- HB 166**, extending the time frame for the annual school district meeting date to the last Saturday in April. (Kenney, Carr 6; et al: Education)  
42, Com 225
- HB 167**, changing the teacher nomination notification date from April 15 to May 15. (Kenney, Carr 6; et al: Education)  
42, Com 225
- HB 168**, establishing a joint committee on unfunded mandates.( Nowe, Rock 3: Legislative Administration)  
42, K 190
- HB 169**, prohibiting former state legislators from serving as lobbyists for 2 years after leaving the legislature. (Carson, Rock 29; et al: Legislative Administration)  
42, psd (RC) 244-247, 257, LT & recon rej 251, S nonconc 717
- HB 170-L**, exempting temporary, demountable, plastic-covered greenhouses from property taxation. (Owen, Merr 6; et al: Local and Regulated Revenues)  
42, Com 179
- HB 171**, relative to the citizens advisory committee which advises the pesticide control board. (Babson, Carr 5; et al: Environment and Agriculture)  
**new title:** repealing the citizens advisory committee which advises the pesticide control board.  
42, am 489, psd 522, S conc 716, enr 829 (Chapter 101)
- HB 172**, extending the reporting date for the committee studying the issue of the use and disposal of sludge or septage. (Babson, Carr 5: Environment and Agriculture)  
42, psd 74, 90, S conc 574, enr 622 (Chapter 5)
- HB 173-L**, prohibiting further establishment or expansion of casino or video gambling in New Hampshire for 2 years. (French, Merr 3; et al: Local and Regulated Revenues)  
42, K 179
- HB 174-L**, relative to budgetary official ballot. (Jacobson, Merr 2; et al: Municipal and County Government)  
42, Com 180
- HB 175-FN**, authorizing the commissioner of the department of transportation to open the Hooksett toll to southbound traffic during the conclusion of the Winston Cup races. (Cobbin, Graf 11: Public Works and Highways)  
42, K 76
- HB 176-FN**, increasing the license fee to hunt wild turkey. (Abbott, Rock 19: Wildlife and Marine Resources)  
42, K 214
- HB 177-FN**, increasing the wild black bear license and tag fee. (Abbott, Rock 19: Wildlife and Marine Resources)  
42, Com 214
- HB 178-L**, limiting property taxes to 3 percent of the fair valuation of property in the city or town. (M. Brown, Merr 10; et al: Local and Regulated Revenues)  
42, K (RC) & protests 158-161
- HB 179**, permitting elected city officials to serve as election officials. (Snyder, Straf 14; McCann, Straf 11: Election Law)  
42, K 116
- HB 180**, establishing a study committee to examine changes to the law necessary to allow electronic corporations to incorporate in New Hampshire. (Aranda, Rock 13; et al: Commerce)  
42, K 139
- HB 181**, prohibiting the sale or distribution of exotic aquatic weeds. (Lamach, Merr 3: Resources, Recreation and Development)  
**new title:** prohibiting the sale or distribution of exotic aquatic weeds and increasing certain fees.  
42, am 361-362, psd 381, conc S am 833, enr 880 (Chapter 185)

- HB 182-FN**, requiring the department of transportation to hold a public hearing relative to the construction of a truck safety station on route 4 in Chichester. (M. Brown, Merr 10; et al: Public Works and Highways)  
42, rem 72, K 78
- HB 183**, relative to the state representative districts of towns. (Adams, Merr 9; et al: Election Law)  
42, am 173-174, psd 196, S conc 865, enr 913 (Chapter 312)
- HB 184-A**, requiring the state to reopen Mittersill ski area and making an appropriation therefor. (Hess, Merr 11; et al: Public Works and Highways)  
42, K 190-191
- HB 185-FN-A-L**, requiring the state to maintain the veterans' portion of the Park Cemetery in Tilton and making a continuing appropriation therefor. (Laflam, Belk 2: Public Works and Highways)  
42, K 119-120
- HB 186-FN**, relative to fees for number plates. (Wheeler, Hills 7: Transportation)  
**new title:** relative to fees for number plates and reducing the amount of the inventory fund in the department of safety.  
42, am & Finance 111, psd 576, 592, S conc 830, enr am 873-874, enr 880 (Chapter 186)
- HB 187-FN-A**, relative to groundwater monitoring for pesticides and making an appropriation therefor. (Philbrick, Carr 4; et al: Environment and Agriculture)  
**new title:** relative to groundwater monitoring for pesticides.  
42, am 292, psd 380, S conc 830, enr 829 (Chapter 140)
- HB 188-FN**, relative to the authority of the boxing and wrestling commission. (Beaulieu, Rock 10; et al: Executive Departments and Administration)  
**new title:** relative to amateur boxing.  
42, psd 74, 90, conc S am 833, enr 880 (Chapter 313)
- HB 189**, exempting occupants of rooms in transitional housing units operated by charitable organizations from the definition of "tenant" for the purposes of landlord/tenant laws. (Franks, Hills 26: Judiciary and Family Law)  
**new title:** excluding rooms and rental units leased or subleased from charitable organizations under a transitional housing program from the definition of "tenancy" for the purposes of landlord/tenant laws.  
42, am 142, psd 167, S nonconc 717
- HB 190**, relative to interstate banking and branching. (B. Gage, Rock 26: Commerce)  
42, am 258-259, psd 380, S conc 738, enr am 868, enr 880 (Chapter 187)
- HB 191**, reducing the number of categories of pesticides from 3 to one. (Babson, Carr 5; Hall, Hills 20: Environment and Agriculture)  
43, psd 292, 380, S Com 832
- HB 192**, exempting certain people from laws relative to the licensing of engineers. (Durham, Hills 22: Commerce)  
43, K 77
- HB 193**, to amend the procedures for the election of officers in the Lebanon school district. (C. Brown, Graf 14; et al: Municipal and County Government)  
43, psd 75, 90, S conc 137, enr 167 (Chapter 4)
- HB 194-FN**, requiring any person erecting, installing, maintaining or exercising control over a mooring on Ossipee Lake to obtain a mooring permit from the division of safety services, department of safety. (Lyman, Carr 5: Resources, Recreation and Development)  
43, psd 120, 130, S conc 625, enr 690 (Chapter 21)
- HB 195-FN-A**, increasing the exemption amount under the interest and dividends tax. (Ferguson, Hills 13; Jacobson, Merr 2: Finance)  
49, rem 575, SO 591, Com 612

- HB 196-FN**, providing for the regulation of horticultural growing media. (Owen, Merr 6: Environment and Agriculture)  
50, am & Finance 260-261, am 595, psd 621, S conc 738, enr 829 (Chapter 141)
- HB 197-FN**, relative to the regulation of wetland scientists. (Dyer, Hills 8; et al: Executive Departments and Administration)  
50, am & Finance 151-154, rem 594, psd 618, 622, nonconc S am, conf 870, 874, rep adop 901, enr am, 914 enr 926 (Chapter 240)
- HB 198-L**, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction. (Fesh, Rock 13; et al: Local and Regulated Revenues)  
50, rem 384, SO 482, LT & S Ct opin req (HR 20) 488-489, S Ct opin printed 955-958, rules suspended & Com 958-959 (See HR 20)
- HB 199-FN**, to include highways designated as part of the National Highway System within the definition of "federal aid primary system" for purposes of the control of outdoor advertising. (K. Rogers, Merr 22; et al: Public Works and Highways)  
50, psd 76, 90, S nonconc 832
- HB 200-FN**, prohibiting the use of leghold traps and "conibear" traps. (Vaillancourt, Hills 44; et al: Wildlife and Marine Resources)  
50, K (RC) 162-165
- HB 201-L**, allowing municipalities to apply the amount of a property tax abatement refund to outstanding taxes owed by the taxpayer. (Noyes, Rock 26: Local and Regulated Revenues)  
**new title:** allowing municipalities to apply the amount of a property tax abatement refund to outstanding taxes owed by the taxpayer, relative to the procedure for adoption and modification of elderly exemptions, and authorizing the city of Dover to implement quarterly property tax billing.  
**2<sup>nd</sup> new title:** allowing municipalities to apply the amount of a property tax abatement refund to outstanding taxes owed by the taxpayer and relative to the procedure for adoption and modification of elderly exemptions.  
50, psd (RC) 108-111, 112, nonconc S am, conf 833, 874, rep adop 901, enr am 912-913, enr 926 (Chapter 241)
- HB 202**, relative to the sale of air guns to minors and the use of air guns by minors. (Steere, Ches 11: Criminal Justice and Public Safety)  
**new title:** relative to the sale of air guns to minors and the use of air guns by minors and prohibiting the furnishing of arms to persons under 17.  
50, am 416, psd 521, S nonconc 832
- HB 203**, relative to driving after a revocation or suspension of license. (Dolan, Rock 12; et al: Transportation)  
**new title:** relative to driving after a revocation or suspension of license and relative to starting unattended vehicles.  
50, SO 521, psd 562-563, 571, nonconc S am, conf 833, 874, rep adop 901, enr am 911, enr 913 (Chapter 314)
- HB 204-FN-L**, relative to transportation of arrestees, detained defendants, and prisoners and court control of arrestees, detained defendants, and prisoners. (Durham, Hills 22; et al: Criminal Justice and Public Safety)  
50, Com 416
- HB 205-L**, relative to a generic ballot in unorganized places. (P. Bradley, Coos 6; et al: Election Law)  
**new title:** relative to special ballots for unorganized places.  
**2<sup>nd</sup> new title:** relative to special ballots for unincorporated places.  
50, am 116, psd 130, conc S am 833, enr 913 (Chapter 289)
- HB 206-FN-L**, requiring trailers and recreational vehicles used for storage or habitation to be either registered under the motor vehicle laws or subject to local property tax. (A. MacNeil, Graf 7; et al: Local and Regulated Revenues)  
50, K 143

- HB 207-FN**, relative to pesticide registration fees and making an appropriation therefor. (Philbrick, Carr 4; et al: Environment and Agriculture)  
50, Com 292
- HB 208-L**, relative to the status of county highways which are being maintained by towns. (Thulander, Hills 6: Public Works and Highways)  
**new title:** relative to the status of roads laid out by the courts of common pleas or the county commissioners.  
50, am 145, psd 167, S conc 716, enr 829 (Chapter 78)
- HB 209**, relative to information required when applying for a New Hampshire driver's license. (R. Foster, Carr 10; et al: Criminal Justice and Public Safety)  
50, K 343
- HB 210**, requiring that an applicant to a planning or zoning board wishing to subdivide property supply the names of holders of conservation or preservation restrictions on the subdivision property, who will then be notified by the board. (Metzger, Ches 13; et al: Municipal and County Government)  
**new title:** requiring that an applicant to a planning or zoning board wishing to subdivide property supply the names of holders of conservation, preservation, or agricultural preservation restrictions on the subdivision property, who will then be notified by the board.  
50, am 117-119, psd 130, S conc 738, enr 876 (Chapter 142)
- HB 211**, defining the terms "psychological injury" and related terms under the child protection act. (Hess, Merr 11; et al: Judiciary and Family Law)  
50, SO & am (2 RCs) 482-488, psd 522, S Com 832
- HB 212**, removing the provision allowing a motor vehicle operator to produce a license within 48 hours of demand by a police officer. (Dolan, Rock 12; et al: Transportation)  
50, K 363
- HB 213**, establishing a committee to study the issues of licensing of psychologists, pastoral counselors, clinical social workers, mental health counselors, and marriage and family therapists. (Dyer, Hills 8; et al: Executive Departments and Administration)  
50, K 206
- HB 214**, relative to forest product purchasers and loggers. (Laflam, Belk 2; et al: Resources, Recreation and Development)  
50, K 129
- HB 215**, relative to taxation of discretionary easements. (Philbrick, Carr 4; et al: Municipal and County Government)  
50, psd 119, 130, S conc 708, enr 717 (Chapter 47)
- HB 216**, relative to municipal budgets. (Brundige, Hills 18; et al: Municipal and County Government)  
50, psd 101, 112, S conc 708, enr 709 (Chapter 41)
- HB 217**, relative to outdoor advertising hearings in the department of transportation. (Pfaff, Merr 11: Public Works and Highways)  
50, rem 72, psd 78, 90, S conc 625, enr 690 (Chapter 34)
- HB 218-L**, clarifying that local health officers are state employees for purposes of defense and indemnification of lawsuits filed against them. (Burnham, Ches 8; et al: Judiciary and Family Law)  
50, K 238
- HB 219-L**, repealing provisions relative to literacy instruction and the committee to study literacy and remedial instruction. (Spear, Straf 5; et al: Education)  
51, psd 115, 130, S conc 593, enr 689 (Chapter 13)
- HB 220**, to establish new state representative districts for the city of Laconia. (Turner, Belk 7; et al: Election Law)  
51, K 233
- HB 221**, prohibiting out-of-state sweepstakes conducted by mail. (Leonard, Hills 39: Criminal Justice and Public Safety)  
51, K 140

- HB 222-L**, relative to pooled risk management programs. (Jacobson, Merr 2: Commerce)  
51, psd 139, 167, S conc 593, enr 689 (Chapter 14)
- HB 223-FN-L**, providing that catastrophic aid for special education shall be fully funded. (W. Riley, Ches 7; et al: Finance)  
51, Com 234
- HB 224-FN-L**, delaying the start date for the auto emissions inspection program. (J. Bradley, Carr 8; et al: Science, Technology and Energy)  
51, psd 77, 90, S conc 830, enr 876 (Chapter 143)
- HB 225-FN**, requiring the commissioner of health and human services to establish a needle exchange pilot program. (C. Kane, Rock 32; et al: Health, Human Services and Elderly Affairs)  
**new title:** providing for the establishment of a needle exchange pilot program in one community in New Hampshire.  
51, am & Finance (RC) 184-188, am 612-613, psd 622, S conc 830, enr 880, appointments 964-965 (Chapter 315)
- HB 226**, relative to the composition of the aviation users advisory board. (Weyler, Rock 18; G. Katsakiores, Rock 13: Transportation)  
52, am 121, psd 130, S conc 738, enr 876 (Chapter 144)
- HB 227-L**, relative to North Hampton property taxes. (Rubin, Rock 25: Local and Regulated Revenues)  
52, psd 101, 112, S conc 626, enr 690 (Chapter 35)
- HB 228**, relative to the definition of "club-veterans" under the liquor laws. (Fenton, Hills 24; et al: Local and Regulated Revenues)  
52, am 143-144, psd 167, S conc 626, enr 690 (Chapter 22)
- HB 229-FN-A-L**, establishing a reading recovery training program and making an appropriation therefor. (Guest, Graf 10; et al: Education)  
**new title:** establishing a reading recovery training program.  
52, Finance 149, am 576-577, psd 592, S conc 830, enr 880 (Chapter 286)
- HB 230**, establishing a committee to study the school building aid system. (Stone, Rock 7; et al: Education)  
52, am 122, psd 130, conc S am 761, enr 876, appointments 965 (Chapter 145)
- HB 231-FN-L**, imposing a penalty on motor vehicle operators under 20 years of age if the operator is convicted of any violation offense involving the operation of a motor vehicle. (Christie, Rock 22; et al: Transportation)  
52, Com 437
- HB 232-FN**, prohibiting the carrying of firearms and certain other weapons into certain state buildings by persons other than law enforcement personnel. (Morello, Hills 38; et al: Criminal Justice and Public Safety)  
52, rem 72, K 77-78
- HB 233-FN**, making failure to provide child support a class B felony. (Carson, Rock 29: Criminal Justice and Public Safety)  
52, K 114
- HB 234-FN-L**, relative to disposition by counties of funds of deceased patients of county nursing homes. (Brundige, Hills 18; et al: Judiciary and Family Law)  
52, Com 267
- HB 235-FN-L**, requiring a special election to be held when a vacancy occurs in the office of county sheriff. (Malcolm, Rock 22; et al: Election Law)  
52, K 205
- HB 236-FN**, to include a person who is being stalked in the definition of "family household member" for purposes of the domestic violence law. (Nowe, Rock 3: Criminal Justice and Public Safety)  
**new title:** to allow a person who is being stalked to obtain a protective order.  
52, am 416-417, psd 521, S conc 830, enr am 907, enr 913 (Chapter 242)

- HB 237**, authorizing the board of barbering, cosmetology, and esthetics to adopt rules relative to conditions and standards for persons engaged in demonstrating the use of any machine or other article for purposes of sale. (Whittemore, Merr 13: Executive Departments and Administration)  
52, K 74
- HB 238-FN**, requiring certain vehicles to travel only in the right-hand lanes on highways. (Malcolm, Rock 22: Transportation)  
52, K 377
- HB 239**, requiring a child under 13 years of age to wear protective headgear when riding a bicycle. (Howard, Carr 10: Transportation)  
53, K 377
- HB 240-FN-A**, increasing certain state employee salaries and making an appropriation therefor, and reducing the number of state employees. (M. Brown, Merr 10: Finance)  
53, K 207
- HB 241**, relative to genetic testing. (Below, Graf 13; et al: Commerce)  
53, am 364-365, psd 381, S nonconc 832
- HB 242**, requiring voter approval for any type of random drug testing within a school district. (Hunt, Ches 10: Education)  
53, Com 225
- HB 243**, requiring a conviction of a person wounding or killing a human being while hunting before the person's hunting license can be revoked. (L'Heureux, Hills 18; et al: Wildlife and Marine Resources)  
**new title:** relative to criminal penalties and license revocation following a conviction for shooting and wounding or killing a human being while hunting.  
53, am 250-251, psd 257, conc S am 833, enr 880 (Chapter 188)
- HB 244**, allowing a municipality to prohibit sexually oriented businesses. (Rice, Belk 7; et al: Municipal and County Government)  
53, K 359
- HB 245-FN-A**, making certain real estate transfers taxable. (Kurk, Hills 5; et al: Finance)  
53, Com 626
- HB 246**, making technical corrections to the business profits tax, interest and dividends tax, and the legacies and successions tax. (Weyler, Rock 18: Finance)  
**new title:** making technical corrections to the business profits tax, interest and dividends tax, and the legacies and successions tax and setting the biennial rate of the medicaid enhancement tax at 6 percent.  
**2<sup>nd</sup> new title:** making technical corrections to property tax abatements, the business profits tax, the interest and dividends tax, and the legacies and successions tax and setting the biennial rate of the medicaid enhancement tax at 6 percent.  
53, am 595, psd 621, S conc 830, enr am 906, enr 913 (Chapter 189)
- HB 247**, requiring automobile insurance companies to offer uninsured motorist coverage as an insurance option, not a requirement. (Arnold, Hills 20: Commerce)  
53, K 215
- HB 248-L**, prohibiting all persons except candidates who appear on the ballot from performing electioneering activities within 100 feet of the door of the polling place and relative to campaign signs held by candidates. (Vaillancourt, Hills 44: Election Law)  
53, K 184
- HB 249**, clarifying the authority of local police officers to serve cease and desist orders against planning and zoning violations. (Dolan, Rock 12; et al: Criminal Justice and Public Safety)  
**new title:** clarifying the authority of certain officials and law enforcement officers to serve cease and desist orders against planning and zoning violations.  
**2<sup>nd</sup> new title:** clarifying the authority of local police officers to serve cease and desist orders against planning and zoning violations.  
53, am 172, psd 196, conc S am 717, enr 829 (Chapter 79)

- HB 250-FN-L**, establishing a formal hearing process for board of tax and land appeals or court appeals limited to a review of the record for certain property tax abatement applications. (Noyes, Rock 26: Judiciary and Family Law)  
53, K 267
- HB 251-FN-L**, reclassifying a portion of North Main Street in the town of Farmington from a class II to a class V highway. (Sullivan, Straf 3; et al: Public Works and Highways)  
**new title:** reclassifying a portion of North Main Street in the town of Farmington and a portion of Passaconaway Road in the town of Albany.  
**2<sup>nd</sup> new title:** reclassifying a portion of North Main Street in the town of Farmington, a portion of Passaconaway Road in the town of Albany and a portion of Osgood Road/Mason Road in the town of Milford.  
53, am 101-102, psd 112, conc S am 688, enr 709 (Chapter 42)
- HB 252**, relative to posting of bylaws in advance of any town election. (Holden, Hills 14; et al: Election Law)  
53, am 174, psd 196, nonconc S am, conf 739, 762, 864, rep adop 900, enr 913 (Chapter 243)
- HB 253-FN-L**, relative to special education services. (Ferguson, Hills 13: Education)  
53, K 204
- HB 254**, relative to shared tenant telecommunication services. (J. Bradley, Carr 8; et al: Science, Technology and Energy)  
53, am 146-147, psd 167, nonconc S am, conf 709, 717, rep adop 900, enr am 914, enr 926 (Chapter 288)
- HB 255**, establishing a committee to study access to dental care for low-income, uninsured, and underinsured persons. (French, Merr 3; et al: Health, Human Services and Elderly Affairs)  
53, am 208, psd 256, conc S am 709, enr 717, appointments 965 (Chapter 48)
- HB 256-FN**, establishing uniform adjudicative proceedings for state agencies and establishing a pilot program for adjudicative hearings. (Dodge, Rock 4; et al: Executive Departments and Administration)  
54, Com 175
- HB 257**, offering priority to qualified veterans for participation in training programs funded by the state or federal government. (R. Krueger, Sull 9; et al: State-Federal Relations and Veterans Affairs)  
54, am 362-363, psd 381, S conc 760, enr 829 (Chapter 80)
- HB 258-FN**, requiring financial institutions to display certain information on fees, charges, and available products in their lobbies. (Hunt, Ches 10; et al: Commerce)  
54, am 215-216, psd 257, conc S am 761, enr 829 (Chapter 146)
- HB 259-FN**, requiring all state forms requesting racial or ethnic status to allow for or include a biracial and a multiracial option. (Snyder, Straf 14; et al: Executive Departments and Administration)  
54, K 154
- HB 260**, defining "marriage" to mean a legal union between one man and one woman as husband and wife. (Mirski, Graf 12: Judiciary and Family Law)  
54, K (RC) 238-241
- HB 261**, recodifying the insurance laws pertaining to hospital service corporations, medical service corporations, and nonprofit health service corporations (Blue Cross/Blue Shield). (Hunt, Ches 10: Commerce)  
54, am 216-224, psd 257, S conc 760, enr am 877, enr 880 (Chapter 190)
- HB 262-FN-A-L**, establishing a National Information Infrastructure oversight committee, authorizing the department of education to hire a technology consultant, and making an appropriation therefor. (Durham, Hills 22; et al: Education)  
**new title:** establishing a National Information Infrastructure oversight committee.  
**2<sup>nd</sup> new title:** establishing a committee to oversee a statewide school technology plan.  
54, am 149, psd 167, conc S am 833, enr 880, appointments 965 (Chapter 191)

- HB 263-FN**, relative to viatical settlements which are settlements between an insurance provider and a policy holder or certificate holder with a life-threatening illness. (Lindblade, Sull 7; et al: Commerce)  
54, Com 204
- HB 264**, relative to technical committees advising the director of the office of information technology management on technical issues. (S. Holley, Hills 28; et al: Executive Departments and Administration)  
54, psd 141-142, 167, conc S am 709, enr 829 (Chapter 81)
- HB 265**, repealing certain rulemaking authority of the commissioner of transportation. (G. Chandler, Carr 1; et al: Executive Departments and Administration)  
54, am 176, psd 196, S conc 865, enr am 906, enr 913 (Chapter 290)
- HB 266**, relative to the Alzheimer's Special Care Disclosure Act. (C. Moore, Merr 19; et al: Health, Human Services and Elderly Affairs)  
54, Com 208
- HB 267**, prohibiting petroleum-powered motors on Little Dan Hole Pond in the town of Ossipee. (Lyman, Carr 5: Transportation)  
54, psd 121, 130, S conc 574, enr 622 (Chapter 6)
- HB 268-FN**, relative to the powers of the Pease development authority. (Syracusa, Rock 33; et al: Commerce)  
**new title:** relative to the Pease development authority.  
54, Finance 259, am 595-596, psd 621, S nonconc 761
- HB 269**, relative to the compensation of sweepstakes commissioners who are members of a multi-state lottery commission. (C. Brown, Graf 14: Executive Departments and Administration)  
54, psd 176, 196, S conc 716, enr 829 (Chapter 82)
- HB 270-L**, allowing school districts to transfer permanent paper records onto electronic alternate media and destroy printed records. (O'Hearn, Hills 26; et al: Education)  
54, Com 225
- HB 271**, establishing a committee to examine the effectiveness and efficiency of the multiple DWI offender intervention detention center program. (C. Brown, Graf 14; et al: Criminal Justice and Public Safety)  
54, Com 343
- HB 272**, relative to boat docking facilities. (Dickinson, Carr 2; et al: Resources, Recreation and Development)  
54, Com 431
- HB 273-FN**, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age. (Cloutier, Sull 8; et al: Transportation)  
54, SO 521, am (RC) 563-566, psd 571, S conc 830, enr am 868, enr 880 (Chapter 244)
- HB 274-FN-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. (Cloutier, Sull 8; et al: Public Works and Highways)  
54, Com 211
- HB 275-A-L**, establishing the equipment grant program, and making an appropriation therefor. (Durham, Hills 22; et al: Education)  
54, Finance (RC) 287-289, K 577
- HB 276**, relative to petitions for filing for a primary election. (Pepino, Hills 40: Election Law)  
**new title:** removing primary petition filing requirements for candidates who do not voluntarily accept campaign spending limitations.  
55, am (RC) 478-482, psd 522, S Com 832
- HB 277**, relative to the option to process absentee ballots before closing of polls. (McGovern, Rock 35: Election Law)  
**new title:** relative to processing absentee ballots.  
55, am 140-141, psd 167, S conc 689, enr am 763, enr 870 (Chapter 103)

- HB 278**, relative to the doctrines of adverse possession and prescription. (Bickford, Straf 1: Judiciary and Family Law)  
55, K 154
- HB 279**, relative to elderly exemptions from the property tax. (Varrell, Rock 9: Local and Regulated Revenues)  
55, K 125
- HB 280**, relative to uniform contracts for roofing contractors. (Hemon, Straf 11: Commerce)  
55, K 114
- HB 281**, relative to regulation of medical assistants. (Emerton, Hills 7: Executive Departments and Administration)  
55, Com 234
- HB 282**, relative to enforcement of compliance by agencies with statutory authority for administrative rulemaking and other grounds for final objection by the joint committee on administrative rules. (M. Brown, Merr 10; et al: Executive Departments and Administration)  
55, K 206
- HB 283**, establishing a study committee to examine the parity of salary scales between state troopers and other law enforcement officers. (McGovern, Rock 35: Executive Departments and Administration)  
55, K 422
- HB 284**, establishing a study committee on the feasibility of combining the department of labor and the department of employment security. (Pepino, Hills 40; et al: Labor, Industrial and Rehabilitative Services)  
55, K 143
- HB 285**, relative to the official name of the "Old Man of the Mountain." (MacNeil, Graf 7; et al: Resources, Recreation and Development)  
55, am 120, psd 130, S conc 708, enr 829 (Chapter 83)
- HB 286-FN-A**, lowering the rate of the interest and dividends tax. (Jacobson, Merr 2; et al: Finance)  
55, rem 203, K (RC) 252-255
- HB 287-L**, relative to publication of annual reports by school districts. (Nowe, Rock 3: Municipal and County Government)  
55, K 180
- HB 288**, requiring a vote of 60 percent of the house and senate to pass any spending bill. (Cobbin, Graf 11: Finance)  
55, K (RC) 234-237
- HB 289-L**, authorizing annual school district meetings to be held at multiple locations. (Lamach, Merr 3: Education)  
**new title:** authorizing annual school district meetings to be held at multiple locations, and relative to budgetary official ballot.  
55, am 140, psd 167, nonconc S am, conf 867, 874, rep adop 901, enr am 914-915, enr 926 (Chapter 319)
- HB 290**, relative to electronic signatures. (Lamach, Merr 3: Judiciary and Family Law)  
55, Com 424
- HB 291**, relative to the use of the terms "native," "local," and "our own" when referring to farm products. (Owen, Merr 6: Environment and Agriculture)  
56, am 421-422, psd 522, S conc 760, enr 829 (Chapter 104)
- HB 292-L**, limiting the damages which may be received by an uninsured motorist from an insured motorist's automobile liability coverage. (Belvin, Hills 14: Commerce)  
56, K 148
- HB 293**, regulating the marking and identification of swim floats. (G. Bartlett, Belk 6; et al: Resources, Recreation and Development)  
56, K 213

- HB 294-L**, relative to the placement of off-premises advertising devices in municipalities which prohibit such advertising devices. (G. Chandler, Carr 1; et al: Public Works and Highways)  
**new title**: relative to the placement of off-premises business directional signs in municipalities which prohibit such advertising devices.  
 56, SO 521, am 543-544, psd 571, S nonconc 832
- HB 295-L**, authorizing a cooperative school district board to establish polling places in each member town. (Lyman, Carr 5; et al: Municipal and County Government)  
 56, Com 180
- HB 296**, relative to airways toll moneys and aircraft operating fee revenues. (Weyler, Rock 18; et al: Transportation)  
 56, am 121, psd 130, S conc 626, enr am 763, enr 870 (Chapter 147)
- HB 297**, relative to the cutting of vegetation by utilities on private property. (Owen, Merr 6: Science, Technology and Energy)  
 56, am 248-249, psd 257, S conc 689, enr 693 (Chapter 36)
- HB 298**, permitting legislators to take time off from their regular employment to fulfill public responsibilities. (Bickford, Straf 1: Labor, Industrial and Rehabilitative Services)  
 56, K 354
- HB 299**, relative to property tax assessments of new buildings during the property tax year. (Varrell, Rock 9: Municipal and County Government)  
 56, K 180
- HB 300**, establishing a study committee on judicial pensions. (Kurk, Hills 5; et al: Judiciary and Family Law)  
**new title**: establishing a commission to study judicial salaries and retirement benefits.  
**2<sup>nd</sup> new title**: establishing a study committee on judicial pensions.  
 56, am 177-178, psd 196, conc S am 834, enr 913, appointments 965 (Chapter 192)
- HB 301**, relative to real estate broker's and agent's representation of buyers. (Franks, Hills 26: Commerce)  
 56, K 339-340
- HB 302**, renaming Scott Pond in the town of Fitzwilliam, N.H. as West Scott Pond and East Scott Pond. (Richardson, Ches 12; et al: Municipal and County Government)  
 56, K 144
- HB 303**, relative to accountancy. (Beaulieu, Rock 10: Executive Departments and Administration)  
 56, Com 206
- HB 304-L**, relative to permitting local law enforcement agencies to receive grants-in-aid from the bureau of trails for enforcement of public trail restrictions. (Beaulieu, Rock 10; et al: Transportation)  
 56, K 147
- HB 305-A**, relative to the rehabilitation of the Walker building and making an appropriation therefor. (Calawa, Hills 17; et al: Public Works and Highways)  
 56, Com 211
- HB 306**, relative to highway speed limits. (M. Brown, Merr 10: Transportation)  
 56, K 182
- HB 307**, relative to the adoption of local river corridor management plans by planning boards. (Metzger, Ches 13; et al: Resources, Recreation and Development)  
 56, am 145-146, psd 167, S conc 574, enr 622 (Chapter 7)
- HB 308**, relative to opening hours for polling places. (Burnham, Ches 8: Election Law)  
 56, K 174
- HB 309**, increasing the time for a local legislative body to act on a proposed interim zoning regulation. (L. Foster, Hills 10: Municipal and County Government)  
 56, psd 144, 167, S conc 593, enr 689 (Chapter 15)

- HB 310**, repealing RSA 14-B, relative to the legislative ethics committee. (Hemon, Straf 11: Legislative Administration)  
56, rem 172, K & protest 194-195
- HB 311-L**, giving municipalities the option of authorizing their governing bodies to enter into discretionary easements on certain agricultural buildings. (McKinney, Rock 29: Municipal and County Government)  
56, K 180
- HB 312**, establishing a procedure for making and accepting offers of judgment in civil cases. (Herman, Hills 13: Judiciary and Family Law)  
56, K 117
- HB 313**, clarifying the authority of security officers on the New Hampshire hospital campus. (Calawa, Hills 17: Criminal Justice and Public Safety)  
56, am 172-173, psd 196, S conc 626, enr 690 (Chapter 23)
- HB 314**, relative to spending caps for state political candidates. (Simmons, Rock 25; et al: Election Law)  
56, K 366
- HB 315-L**, expanding certain financial powers of village districts. (G. Chandler, Carr 1; et al: Municipal and County Government)  
**new title:** expanding the financial powers of village districts and repealing state law governing the water department of the town of Lisbon to accommodate the transfer of the duties of the board of water commissioners to the board of selectmen adopted by the Lisbon town meeting.  
56, rem 139, psd 166, 167, conc S am 709, enr am 763, enr 870 (Chapter 105)
- HB 316**, allowing cosmetologists to employ shampoo assistants. (Patten, Carr 9: Executive Departments and Administration)  
56, K 176
- HB 317**, clarifying certain provisions of law relating to compulsory attendance for home education pupils and relative to dual enrollment provisions. (Thulander, Hills 6; et al: Education)  
56, K 204
- HB 318**, making technical changes to the provisions relating to school administrative units. (Thulander, Hills 6; et al: Education)  
57, psd 173, 196, nonconc S am, conf 867, 874, rep adop 900, enr 926 (Chapter 245)
- HB 319**, relative to access to child immunization records. (Copenhaver, Graf 10; et al: Health, Human Services and Elderly Affairs)  
57, K 142
- HB 320**, requiring attorneys in divorce cases to provide clients with a statement of client's rights and responsibilities and a retainer agreement containing certain information, and subjects attorneys to certain other procedures in divorce cases. (Hemon, Straf 11; et al: Judiciary and Family Law)  
57, K 117
- HB 321**, correcting a reference to the American Podiatry Association. (B. Gage, Rock 26: Health, Human Services and Elderly Affairs)  
57, psd 116, 130, S conc 593, enr 689 (Chapter 16)
- HB 322**, relative to bingo and lucky 7 inspectors. (Tholl, Coos 5: Executive Departments and Administration)  
57, K 206
- HB 323**, establishing a right to work act which provides for freedom of choice on whether to join a labor union. (Larrabee, Merr 9: Labor, Industrial and Rehabilitative Services)  
57, am & K (RC) 154-157, recon rej 166
- HB 324**, relative to the qualifications of bank examiners. (Dodge, Rock 4; et al: Commerce)  
57, psd 204, 256, S conc 689, enr 690 (Chapter 24)

- HB 325**, eliminating the correctional industries advisory board. (Knowles, Straf 11: Criminal Justice and Public Safety)  
57, psd 114, 130, S conc 626, enr 690 (Chapter 25)
- HB 326**, requiring that parties filing for divorce attempt a mutually agreeable divorce settlement through mediation prior to proceeding with the adversarial process. (Hemon, Straf 11: Judiciary and Family Law)  
57, K 424
- HB 327**, relative to pledges for loans, finance charge disclosure statements, and debt adjusters. (Hunt, Ches 10: Commerce)  
**new title:** relative to pledges for loans, finance charge disclosure statements, debt adjusters, and consumer credit transactions.  
57, am 384, psd 521, conc S am 762, enr 880 (Chapter 193)
- HB 328-L**, requiring certain proof of identification to register to vote on election day and relative to hour limitations on voting. (Flanagan, Rock 14: Election Law)  
**new title:** relative to hour limitations on voting.  
57, am 421, psd 522, S conc 708, enr 717 (Chapter 49)
- HB 329**, repealing the fireman's rule. (DePecol, Ches 14: Judiciary and Family Law)  
**new title:** clarifying the applicability of the fireman's rule.  
57, rem 383, SO 521, am 566-567, psd 571, conc S am 834, enr 913 (Chapter 246)
- HB 330**, relative to openness in the civil litigation process. (DePecol, Ches 14: Judiciary and Family Law)  
57, K 209
- HB 331**, adopting the uniform foreign depositions law and relative to admission of copies as evidence. (DePecol, Ches 14: Judiciary and Family Law)  
**new title:** adopting the uniform foreign depositions law.  
57, am 117, psd 130, S conc 593, enr 689 (Chapter 17)
- HB 332**, repealing the law which prohibits an entity which conducts horse or dog racing from employing a member of the general court. (McGuirk, Ches 1; et al: Legislative Administration)  
57, psd 178, 196, S conc 708, enr 737 (Chapter 50)
- HB 333-FN-L**, establishing a fine for political advertising placed or affixed prior to the date permitted by statute or placed on or affixed to any public property. (Langley, Rock 24; et al: Election Law)  
58, Com 174
- HB 334**, establishing guidelines for assessing the eligibility of certain providers for third party reimbursement. (B. Gage, Rock 26: Commerce)  
58, psd 384, 521, S nonconc 832
- HB 335-FN-L**, relative to motor vehicle license and registration suspensions. (Vaughn, Rock 35; et al: Transportation)  
58, K 273
- HB 336**, clarifying certain definitions relating to dams. (Ziegra, Belk 5; et al: Resources, Recreation and Development)  
58, am 213, psd 256, S conc 708, enr 717 (Chapter 51)
- HB 337-L**, allowing a municipality to reduce the property tax on improvements. (Noyes, Rock 26: Local and Regulated Revenues)  
58, SO 521, Com 539
- HB 338**, repealing certain requirements relative to the duty to deliver a copy of process to prisoners. (Dokmo, Hills 14; et al: Criminal Justice and Public Safety)  
**new title:** relative to the duty to deliver a copy of process to prisoners.  
58, psd 140, 167, nonconc S am, conf 688, 739, rep adop 900, enr 926 (Chapter 247)

- HB 339**, establishing a freedom of employment association act. (Weber, Graf 11; et al: Labor, Industrial and Rehabilitative Services)  
58, K 143
- HB 340**, relative to the real estate commission and its licensing and bonding requirements. (Dokmo, Hills 14: Commerce)  
58, am 275-277, psd 380, nonconc S am, conf 834, 866, rep adop 901, enr 926 (Chapter 248)
- HB 341**, relative to filing lucky 7 applications with the sweepstakes commission. (C. Brown, Graf 14: Local and Regulated Revenues)  
58, psd 117, 130 S conc 626, enr 690 (Chapter 26)
- HB 342**, relative to the payment of recording fees for mortgage discharges. (Guay, Coos 6; et al: Commerce)  
**new title:** relative to the payment of recording fees for mortgage discharges and relative to notification of the discharge to the payor of the final payment in satisfaction of the mortgage.  
58, am 224-225, psd 257, S conc 738, enr 829 (Chapter 84)
- HB 343-L**, relative to authority by governmental entities over driveways and other accesses to public ways. (Pfaff, Merr 11: Public Works and Highways)  
58, psd 181, 196, conc S am 693, enr 737 (Chapter 52)
- HB 344-L**, relative to planning board procedures on plats. (Patten, Carr 9; et al: Municipal and County Government)  
58, psd 180, 196, nonconc S am, conf 834, 874, 876, rep adop 901, enr 926 (Chapter 249)
- HB 345-L**, relative to the hours polls are open in cities and towns. (Wall, Straf 9; et al: Election Law)  
58, K 175
- HB 346**, relative to the effect of federal law on any reorganization of the executive branch. (Mirski, Graf 12: Executive Departments and Administration)  
58, K 422
- HB 347-FN-A**, relative to landscaping at Weirs Beach in Laconia and making an appropriation therefor. (R. Lawton, Belk 7: Public Works and Highways)  
58, K 145
- HB 348-FN**, allowing the state fire marshal to investigate a building collapse or release of carbon monoxide. (Hunter, Hills 7: Criminal Justice and Public Safety)  
58, psd 140, 167, S conc 716, enr 829 (Chapter 85)
- HB 349**, repealing certain pari-mutuel laws relative to racing funds, disbursements of the funds, and records of receipts. (C. Brown, Graf 14; et al: Local and Regulated Revenues)  
58, psd 117, 130, S conc 626, enr 690 (Chapter 27)
- HB 350**, exempting permits by rule and permits by notification from certain excavating and dredging permit requirements. (Dickinson, Carr 2: Resources, Recreation and Development)  
58, Com 362
- HB 351-L**, limiting the total of tax deferrals for the elderly and disabled on a particular property to a percentage of its equity value. (L. Foster, Hills 10: Local and Regulated Revenues)  
58, am 355, psd 381, S conc 689, enr 693 (Chapter 37)
- HB 352**, modifying the definitions of "agriculture" and "farming" for certain purposes. (Davis, Coos 1; et al: Environment and Agriculture)  
**new title:** modifying the definitions of "agriculture" and "farming" for certain purposes and adding a definition of "short rotation tree fiber farming."  
**2<sup>nd</sup> new title:** modifying the definitions of "agriculture" and "farming" for certain purposes and adding a definition of "short rotation tree fiber farming" and "genetically engineered tree."  
58, am 489-490, psd 522, nonconc S am, conf 867, 874, rep adop 902, enr 913 (Chapter 250)
- HB 353**, establishing a committee to study issues regarding prosecutions and sentencing of, and incarceration treatment for, persons convicted of sex-related crimes. (McCarthy, Hills 41: Criminal Justice and Public Safety)  
59, Com 204

- HB 354**, repealing the exemption for social activities from political expenditure and contribution reporting requirements. (K. Rogers, Merr 22: Election Law)  
59, K 367
- HB 355**, relative to prohibited political contributions. (K. Rogers, Merr 22: Election Law)  
59, K 367
- HB 356**, relative to reporting requirements for political candidates and political committees. (K. Rogers, Merr 22: Election Law)  
59, Com 367
- HB 357-FN**, requiring the director of motor vehicles to recommend vehicle light use during any period windshield wipers are in operation during inclement weather. (Avery, Ches 8; et al: Transportation)  
59, K 147
- HB 358**, allowing victims of domestic violence to terminate a lease if a protective order has been secured. (Crosby, Merr 20: Criminal Justice and Public Safety)  
59, K 173
- HB 359**, regulating information regarding evictions contained in credit reports issued by consumer reporting agencies. (Crosby, Merr 20: Commerce)  
59, Com 139
- HB 360**, prohibiting discrimination in rental housing based on receipt by a tenant of a federal rent subsidy. (Crosby, Merr 20: Judiciary and Family Law)  
59, K 142
- HB 361**, clarifying the status of tenants who reside in rooming or boarding houses for more than 90 consecutive days. (Crosby, Merr 20: Judiciary and Family Law)  
59, Com 142-143
- HB 362**, creating a cause of action for civil damages for noncompliance with minimum housing standards. (Crosby, Merr 20: Judiciary and Family Law)  
59, K 125
- HB 363**, relative to venue for actions against tenants. (Crosby, Merr 20: Judiciary and Family Law)  
59, K 143
- HB 364**, relative to interest or penalty charges for failure to pay rent. (Wallin, Merr 15: Judiciary and Family Law)  
59, K 143
- HB 365**, providing that communications made during family mediation shall be privileged. (Wallin, Merr 15: Judiciary and Family Law)  
59, rem 204, rcmt 255, SO 521, am 524-525, psd 571, S nonconc 832
- HB 366-L**, relative to noncompliance with zoning ordinances. (Dokmo, Hills 14; et al: Municipal and County Government)  
59, Com 180
- HB 367-FN-L**, requiring notification to parents when a minor violates the tobacco laws. (Grassie, Straf 19; et al: Criminal Justice and Public Safety)  
59, am 343, psd 380, S Com 832
- HB 368**, establishing the honorary position of artist laureate of the state of New Hampshire. (Wallin, Merr 15: Executive Departments and Administration)  
59, am 491, psd 522, conc S am 717, enr 829 (Chapter 86)
- HB 369**, relative to the admission to practice and bar association membership for attorneys. (Mirski, Graf 12: Judiciary and Family Law)  
59, K 424
- HB 370**, updating and making technical corrections in certain banking laws. (Hunt, Ches 10: Commerce)  
59, am 384-386, psd 521, conc S am 739, enr am 877, enr 913 (Chapter 194)

- HB 371**, relative to the authority of the department of fish and game to regulate the management, preservation, propagation, and taking of state fish, game, and wildlife resources. (Mirski, Graf 12: Wildlife and Marine Resources)  
59, Com 183
- HB 372**, relative to age and domicile requirements for candidacy for public office. (Flanagan, Rock 14: Election Law)  
**new title:** relative to age requirements for assistant election officials.  
59, am 346, psd 381, S conc 865, enr 913 (Chapter 195)
- HB 373**, establishing a committee to study the feasibility of implementing alternative local taxes for funding of education. (Mirski, Graf 12; et al: Local and Regulated Revenues)  
59, K 144
- HB 374-FN**, establishing 400 separate districts for the election of state representatives and renumbering state representative districts. (Buckley, Hills 44; et al: Election Law)  
59, K 367
- HB 375**, relative to the statement which must be signed by applicants for notary public or justice of the peace. (Holden, Hills 14; et al: Judiciary and Family Law)  
59, psd 209, 256, S conc 716, enr 829 (Chapter 102)
- HB 376**, relative to prescription drug copayments required by insurance companies and relative to filling prescription drug prescriptions. (Lindblade, Sull 7: Commerce)  
59, K 386
- HB 377**, relative to primary election petitions. (Holden, Hills 14; et al: Election Law)  
59, K 421
- HB 378**, regulating the practice of acupuncture. (J. Bradley, Carr 8; et al: Executive Departments and Administration)  
59, am 491-496, psd 522, conc S am 834, enr am 907, enr 914 (Chapter 251)
- HB 379-FN**, relative to reporting of contributions to candidates for speaker of the house and senate president. (J. Bradley, Carr 8: Election Law)  
**new title:** requiring all candidates for speaker of the house or senate president to file certain reports of contributions and to register as political committees.  
59, am 367-368, psd 381 (S LT)
- HB 380-L**, relative to the sale of town-owned property. (Noyes, Rock 26: Municipal and County Government)  
60, am 359, psd 381, S conc 689, enr 693 (Chapter 38)
- HB 381**, relative to public recreation and park areas in municipalities. (Tufts, Rock 20: Municipal and County Government)  
60, am 429-430, psd 522, S conc 708, enr 717 (Chapter 53)
- HB 382**, requiring vehicles transporting loads on ways where the speed limit is 30 miles per hour or greater to cover the load. (Packard, Rock 29; et al: Transportation)  
60, psd 182, 196, S nonconc 832
- HB 383**, requiring the nomination and election of the secretary of state and treasurer to be without regard to party affiliation of the candidate. (A. Torr, Straf 12; et al: Legislative Administration)  
60, psd 190, 196, S conc 716, enr 829 (Chapter 106)
- HB 384**, relative to requiring notification by utilities of right-of-way maintenance. (Hall, Hills 20: Environment and Agriculture)  
60, K 490
- HB 385**, relative to reporting and registration requirements for lobbyists and employees of lobbyists. (A. Merrill, Straf 8; et al: Legislative Administration)  
60, am 375-376, psd 381, S Com 832

- HB 386**, removing personal liability of employees of licensing entities for failure to comply with state laws regarding licenses to carry pistols and revolvers. (Hunter, Hills 7: Criminal Justice and Public Safety)  
**new title**: relative to the definition of "suitable person" for purposes of licensing a suitable person to carry a loaded pistol or revolver.  
60, am 343-344, psd 380, S nonconc 832
- HB 387-L**, extending municipal immunity from liability for injuries from accidents caused by snow and ice in municipal parking lots. (K. Taylor, Straf 11; et al: Judiciary and Family Law)  
60, K 117
- HB 388**, providing that one member of the state board of education shall be a currently certified and employed New Hampshire public school teacher. (A. Pelletier, Straf 12; et al: Education)  
60, K 205
- HB 389**, relative to the water protection assistance program within the office of state planning. (Patten, Carr 9; et al: Resources, Recreation and Development)  
60, am 431-432, psd 522, S conc 830, enr 880 (Chapter 196)
- HB 390**, relative to quarantine of captive wildlife. (Owen, Merr 6: Wildlife and Marine Resources)  
60, am 148, psd 167, S conc 708, enr 709 (Chapter 43)
- HB 391**, making the office of emergency management the administrator of the grant program for the civil air patrol in New Hampshire. (Asselin, Hills 47: State-Federal Relations and Veterans Affairs)  
60, psd 181, 196, S conc 738, enr 829 (Chapter 107)
- HB 392**, changing references to the "BOCA Basic Building Code" to "BOCA National Building Code." (Hunter, Hills 7: Criminal Justice and Public Safety)  
**new title**: changing references to the "BOCA Basic Building Code" to "BOCA National Building Code" and relative to incorporating certain codes by reference.  
60, psd 173, 196, conc S am 688, enr 709 (Chapter 44)
- HB 393**, relative to the mental health practice act, including establishing a clients' bill of rights. (Dyer, Hills 8; et al: Executive Departments and Administration)  
60, K 206
- HB 394**, restricting the jurisdiction of the probate courts over estates. (McCann, Straf 11; et al: Judiciary and Family Law)  
60, rem 204, K & protest 255-256
- HB 395**, repealing the exemption for teacher certification records from the right-to-know law. (Varrell, Rock 9; et al: Judiciary and Family Law)  
60, K 424
- HB 396-L**, prohibiting current use tax designation for property granted a change in zoning classification for 5 years after the reclassification. (Philbrick, Carr 4; et al: Environment and Agriculture)  
60, Com 349
- HB 397**, establishing a house study committee to examine the adoption of articles 41, 72-a and 73-a of the second part of the New Hampshire constitution. (Hemon, Straf 11; et al: Judiciary and Family Law)  
60, am 209-210, psd 256, S nonconc 717
- HB 398**, allowing Delta Dental Plan of New Hampshire to issue plans to individuals. (Hunt, Ches 10; et al: Commerce)  
60, psd 149, 167, S conc 708, enr 717 (Chapter 54)
- HB 399-L**, changing the name and qualifications for the optional property tax exemption for the totally and permanently disabled. (Merritt, Straf 8; et al: Local and Regulated Revenues)  
**new title**: changing the name of the optional property tax exemption for the totally and permanently disabled.  
60, am 355-356, psd 381, S conc 760, enr 829 (Chapter 87)

- HB 400**, authorizing the state to enter into a lease-purchase agreement with Cheshire county for the new Jaffrey-Peterborough district courthouse. (Royce, Ches 9; et al: Public Works and Highways)  
60, Com 211
- HB 401**, repealing the prospective repeal of the healthy kids corporation. (Wallner, Merr 24; et al: Health, Human Services and Elderly Affairs)  
60, psd 142, 167, S conc 760, enr 829 (Chapter 148)
- HB 402**, relative to the use of revenues of the fish and game department. (Pfaff, Merr 11: Finance)  
60, psd 613, 622, S conc 760, enr 829 (Chapter 88)
- HB 403**, prohibiting the use of trotlines to take fish. (L'Heureux, Hills 18: Wildlife and Marine Resources)  
60, rem 139, psd 166, 167, S conc 574, enr 622 (Chapter 8)
- HB 404**, establishing a committee to study providing universal catastrophic health coverage by establishing a statewide catastrophic risk pool. (Allen, Hills 1: Commerce)  
61, psd 386, 521, conc S am 739, enr am 868, enr 880, appointments 965 (Chapter 197)
- HB 405-L**, relative to standardizing the requirements for the design and specifications of septic systems. (Camm, Rock 17: Resources, Recreation and Development)  
61, Com 248
- HB 406**, relative to environmental disclosure by electric power facilities. (Below, Graf 13: Science, Technology and Energy)  
61, Com 432
- HB 407**, relative to absentee voting. (Holden, Hills 14; et al: Election Law)  
61, K 175
- HB 408**, relative to using name stickers on election ballots. (Kenney, Carr 6; et al: Election Law)  
61, Com 205
- HB 409**, requiring nonprofit educational organizations and certain hospitals to file certain forms with the director of charitable trusts. (Cushing, Rock 22: Commerce)  
61, Com 386
- HB 410**, allowing mental health counselors and marriage and family therapists to obtain third party payments for services rendered which would otherwise qualify for such payments. (O'Rourke, Hills 39; et al: Commerce)  
61, Com 386
- HB 411-L**, authorizing municipalities to issue bonds for the purpose of defraying the cost of purchasing or taking public utility property. (C. Below, Graf 13; et al: Science, Technology and Energy)  
61, K 432
- HB 412**, relative to motor carrier safety rules and repealing certain obsolete statutes relating to motor vehicles. (Malcolm, Rock 22; et al: Transportation)  
61, psd 273, 380, conc S am 834, enr am 911, enr 926 (Chapter 252)
- HB 413**, expanding the authority of the commissioner of the department of transportation to use a certain appropriation to purchase airports. (Weyler, Rock 18: Public Works and Highways)  
**new title:** relative to the sale or transfer of airports by the state.  
61, am & Finance 211-212, am 596, psd 621, S conc 865, enr am 913, enr 926 (Chapter 291)
- HB 414**, authorizing the commissioner of the department of safety to adopt rules imposing late fees for the impaired driver intervention programs. (C. Brown, Graf 14; et al: Criminal Justice and Public Safety)  
61, Com 259
- HB 415**, establishing speed limits for OHRVs traveling on the frozen surface of Back Lake in the town of Pittsburg. (G. Merrill, Coos 1: Transportation)  
**new title:** establishing a nighttime speed limit for OHRVs traveling on the frozen surface of Back Lake in the town of Pittsburg.  
61, am 363, psd 381, S conc 708, enr 739 (Chapter 71)

- HB 416**, relative to sentencing for juvenile delinquents. (Gagnon, Hills 48; et al: Criminal Justice and Public Safety)  
61, am 344-345, psd 380, S conc 830, enr 880 (Chapter 198)
- HB 417**, relative to ballot certification for political parties. (Weber, Graf 11; et al: Election Law)  
**new title:** relative to ballot certification for political parties and choosing certain party candidates by caucus or convention.  
**2<sup>nd</sup> new title:** relative to the definition of the term "party" for purposes of elections.  
61, am 368-369, psd 381, nonconc S am, conf 870, 874, rep adop 901, enr 914 (Chapter 253)
- HB 418**, prohibiting the land application of sludge or biosolids containing amounts of heavy metals over certain limits. (Owen, Merr 6; et al: Environment and Agriculture)  
61, Com 490
- HB 419**, requiring daytime running lights on motor vehicles. (Arnold, Hills 20: Transportation)  
61, K 147-148
- HB 420**, relative to administrative review of suspended or revoked motor vehicle licenses. (Musler, Straf 6; et al: Criminal Justice and Public Safety)  
61, Com 345
- HB 421**, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. (McCann, Straf 11; et al: Judiciary and Family Law)  
**new title:** amending the law against discrimination to prohibit discrimination on account of a person's sexual orientation.  
61, SO 521, am (RC) & remarks 525-532, psd 571, S conc 716, enr am 837, enr 876 (Chapter 108)
- HB 422-L**, exempting initial bond issues from the 10 percent limitation on exceeding appropriations recommended by the budget committee. (Cooney, Rock 26; et al: Municipal and County Government)  
61, K 180-181
- HB 423-L**, relative to the elderly exemption from the property tax. (MacGillivray, Hills 21: Local and Regulated Revenues)  
61, K 144
- HB 424**, postponing the implementation of alternative fuel motor vehicle fleet requirements for 2 years. (MacGillivray, Hills 21; et al: Science, Technology and Energy)  
61, psd 120, 130, S conc 830, enr 876 (Chapter 109)
- HB 425**, relative to the regulation of pharmacists. (Dyer, Hills 8: Executive Departments and Administration)  
61, psd 176, 196, S conc 626, enr am 763, enr 870 (Chapter 149)
- HB 426**, establishing a committee to study the rules and regulations regarding the administration of medications in long-term care facilities. (L. Foster, Hills 10; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing a committee to study the administration of medications and the management of personal care assistance personnel in long-term care facilities.  
61, am 353, psd 381, conc S am 834, enr am 906-907, enr 914, appointments 965 (Chapter 217)
- HB 427-L**, allowing a municipality to adopt a local meals and rooms tax. (M. Fuller Clark, Rock 36: Local and Regulated Revenues)  
61, K 117
- HB 428-FN-**, known as the Maggie Boyle Terninko Act, repealing RSA 430:49, the law preempting local regulation of pesticides. (Cushing, Rock 22; et al: Environment and Agriculture)  
61, K 372

- HB 429**, establishing a committee to study unemployment compensation as it relates to the contingent work force and to women workers. (Mears, Coos 7; et al: Labor, Industrial and Rehabilitative Services)  
**new title:** charging the advisory council on unemployment compensation with the task of studying the issue of unemployment compensation as it relates to the contingent work force and low wage workers.  
62, am 427-428, psd 522, S conc 865, enr 880 (Chapter 199)
- HB 430**, relative to registration of political committees. (Flanagan, Rock 14: Election Law)  
**new title:** relative to registration of political committees and to political expenditures and contributions.  
62, am 346-348, psd 381, nonconc S am, conf 834, 874, Clerk's note 963
- HB 431**, relative to the appointment of attorneys and guardians ad litem, and eliminating certain de novo hearings under certain laws related to child protection. (J. Brown, Straf 17: Judiciary and Family Law)  
**new title:** relative to the appointment of attorneys for delinquent or neglected or abused children.  
62, psd 241, 257, nonconc S am, conf 870, 875, rep adop 901, enr 926 (Chapter 292)
- HB 432**, increasing the wager limit on games of chance from \$1 to \$5. (Dawe, Hills 33; et al: Local and Regulated Revenues)  
62, Com 144
- HB 433**, relative to discharge from New Hampshire hospital. (R. Foster, Carr 10; et al: Judiciary and Family Law)  
62, psd 210, 256, S conc 830, enr 914 (Chapter 316)
- HB 434**, relative to milk products of sheep and goats and milk producer permits and allowing the commissioner of the department of health and human services to impose certain administrative fines. (Crosby, Merr 20: Health, Human Services and Elderly Affairs)  
62, am 176-177, psd 196, S conc 708, enr 717 (Chapter 55)
- HB 435-FN-L**, relative to liens placed on property by towns and cities for money spent on assisted persons. (Golden, Belk 5: Commerce)  
62, K 340
- HB 436-FN-L**, establishing restrictions in building aid for conversions of area schools to cooperative school districts, and relative to increasing or decreasing grades in cooperative school districts. (McKinley, Straf 2; et al: Education)  
**new title:** establishing restrictions in building aid for conversions of area schools to cooperative school districts, increasing or decreasing grades in cooperative school districts, establishing a special village district for the towns of Bridgewater and Hebron, and relative to special reserve funds for the Exeter school district.  
62, am & Finance 260, psd 577, 592, nonconc S am, conf 867, 875, rep adop 901, enr am 912, enr 926 (Chapter 320)
- HB 437-FN-L**, relative to certain health officers. (Haettenschwiller, Hills 29; et al: Health, Human Services and Elderly Affairs)  
62, psd 177, 196, conc S am 834, enr 914 (Chapter 200)
- HB 438-FN**, allowing the court to impose certain chemical treatments on repeat child molesters. (Herman, Hills 13: Criminal Justice and Public Safety)  
62, K 204
- HB 439-FN**, establishing a procedure for reporting on abortions. (Herman, Hills 13: Judiciary and Family Law)  
62, rem 383, SO 521, K 567
- HB 440-FN**, changing the legislative mileage formula. (Jacobson, Merr 2; et al: Legislative Administration)  
62, am & Finance 334, rem 594, psd 619, 622, S conc 830, enr 829 (Chapter 110)

- HB 441**, relative to the ballot law commission. (Emerton, Hills 7; et al: Election Law)  
62, K 348
- HB 442**, requiring insurers to cover certain costs associated with reconstructive surgery after a mastectomy. (Snyder, Straf 14; et al: Commerce)  
62, am 259, psd 380, conc S am 834, enr 880 (Chapter 311)
- HB 443**, relative to push-polling. (Teschner, Graf 5; et al: Election Law)  
62, Com 348
- HB 444**, extending the reporting date for the house committee to study the state investigation of the late John C. Fairbanks. (Cobbin, Graf 11; et al: Judiciary and Family Law)  
62, K 424
- HB 445**, extending the reporting date of the paperless title system study committee. (Fesh, Rock 13; et al: Transportation)  
62, psd 182, 196, S conc 738, enr 876 (Chapter 111)
- HB 446**, prohibiting candidates of one party from accepting the nomination of another party. (Arnold, Hills 20; et al: Election Law)  
62, psd 489, 522, S nonconc 832
- HB 447**, eliminating the grandfather clause for licensure of professional engineers. (Alger, Graf 9: Executive Departments and Administration)  
**new title:** eliminating the grandfather clause for licensure of professional engineers, relative to the board of professional engineers, and relative to certain requirements for the practice of architecture.  
62, am 350, psd 381, nonconc S am, conf 834, 866, rep adop 901, enr 926 (Chapter 321)
- HB 448**, relative to the trust fund for the prevention of child abuse and neglect. (Nordgren, Graf 10; et al: Judiciary and Family Law)  
62, psd 210, 256, conc S am 762, enr am 868, enr 880, appointments 970 (Chapter 254)
- HB 449**, regulating the self-storage industry. (Robertson, Ches 18: Commerce)  
62, K 386
- HB 450**, relative to accessing directory information as defined by the Family Educational Rights and Privacy Act. (Champagne, Ches 19: Education)  
62, am 205, psd 256, nonconc S am, conf 762, 832, rep adop 901, enr 914 (Chapter 255)
- HB 451**, providing that health care providers shall determine the appropriate course of patient treatment. (Morello, Hills 38; et al: Commerce)  
62, Com 387
- HB 452**, establishing a legislative oversight committee on telecommunications restructuring and relative to aggregation of telecommunications services customers by municipalities and counties. (J. Bradley, Carr 8; et al: Science, Technology and Energy)  
**new title:** establishing a legislative oversight committee on telecommunications restructuring and relative to approval by the public utilities commission of tariffs for new telephone services.  
62, am 432-433, psd 522, S conc 830, enr 880, appointments 971 (Chapter 201)
- HB 453**, relative to the bank commissioner's regulation of sales finance companies and retail sellers. (Hunt, Ches 10: Commerce)  
**new title:** relative to the bank commissioner's regulation of sales finance companies and retail sellers and relative to check collection charges.  
62, am 387-391, psd 521, nonconc S am, conf 834, 866, rep adop 901, enr am 915-916, enr 926 (Chapter 322)
- HB 454**, relative to food service establishments. (Haettenschwiller, Hills 29: Health, Human Services and Elderly Affairs)  
63, psd 209, 256, conc S am 835, enr am 907-908, enr 914 (Chapter 256)
- HB 455-FN-L**, relative to a preliminary breath test for alcohol concentration. (Christie, Rock 22; et al: Criminal Justice and Public Safety)  
63, am 472-474, psd 522, S nonconc 832

- HB 456-FN**, relative to child custody when a parent has intentionally killed the other parent. (Lovett, Graf 6; et al: Judiciary and Family Law)  
63, K 210
- HB 457-FN**, requiring all state agencies, departments, and commissions in all 3 branches of government to have a presence on "WEBSTER" by January 1, 1998, and designating the state library as the official repository of public information. (Holley, Hills 28; et al: Executive Departments and Administration)  
**new title:** requiring all state agencies, departments, and commissions in all 3 branches of government to have a presence on the New Hampshire automated information system by January 1, 1998, and designating the state library as the official repository of state government information.  
**2<sup>nd</sup> new title:** requiring all state agencies, departments, and commissions in all 3 branches of government to have a presence on the New Hampshire automated information system by January 1, 1998, and designating the state library as the official clearinghouse of state government information.  
63, am & Finance 262-263, psd 596, 621, conc S am 835, enr 909 (Chapter 202)
- HB 458-FN**, relative to the elements of simple assault and relative to certain persons with prior convictions for first degree, second degree, or simple assault. (Knowles, Straf 11: Criminal Justice and Public Safety)  
63, K 417
- HB 459-FN**, establishing a graduated driver's license and related penalties for persons under 18 years of age. (L'Heureux, Hills 18; et al: Transportation)  
**new title:** establishing a youth operator's license for persons under 18 years of age.  
63, am & Finance 337-338, psd 613, 622, conc S am 835, enr 914 (Chapter 257)
- HB 460-FN**, relative to authorizing treatment for persons involuntarily admitted to New Hampshire hospital. (R. Foster, Carr 10; et al: Judiciary and Family Law)  
63, K 210
- HB 461-FN**, authorizing the New Hampshire hospital and the department of transportation to settle claims when the amount is less than \$500. (C. Brown, Graf 14; et al: Executive Departments and Administration)  
63, K 206
- HB 462-FN**, relative to acknowledgment of DWI laws by persons under 21 years of age. (Christie, Rock 22; et al: Criminal Justice and Public Safety)  
**new title:** requiring the department of safety to inform persons under 21 years of age of the DWI laws.  
**2<sup>nd</sup> new title:** requiring the department of safety to inform persons under 21 years of age and first-time New Hampshire driver's license applicants of the DWI laws.  
**3<sup>rd</sup> new title:** requiring the department of safety to inform first-time New Hampshire driver's license applicants of the DWI laws.  
63, am 345-346, psd 380, nonconc S am, conf 835, 875, rep adop 901, enr am 913, enr 926 (Chapter 323)
- HB 463-FN**, relative to aerial spraying of herbicides. (Hall, Hills 20: Environment and Agriculture)  
63, K 372
- HB 464-FN**, regarding notice provisions for waxes applied to fresh fruit. (Hall, Hills 20; et al: Commerce)  
63, rem 203, K 251-252
- HB 465-FN**, requiring the legislature to consider a list of factors in determining whether to regulate a previously unregulated profession. (Emerton, Hills 7: Executive Departments and Administration)  
63, Com 263

- HB 466-FN**, requiring administrative rules to be available to the public at the state library before they take effect. (Lamach, Merr 3: Executive Departments and Administration)  
63, K 234
- HB 467-FN**, relative to felonious activities relating to wireless telephone cloning. (L. Foster, Hills 10; et al: Criminal Justice and Public Safety)  
63, Com 417
- HB 468-L**, eliminating a requirement that registers of deeds keep original copies of officers' returns of attachments and writs of execution on file permanently. (Noyes, Rock 26; et al: Municipal and County Government)  
63, am 359-360, psd 381, S conc 830, enr 880 (Chapter 203)
- HB 469**, relative to the rules of the board of dental examiners. (Copenhaver, Graf 10: Executive Departments and Administration)  
63, am 496-497, psd 522, conc S am 835, enr 914 (Chapter 204)
- HB 470**, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. (Copenhaver, Graf 10; et al: Health, Human Services and Elderly Affairs)  
63, rcmt 374, psd (RC) 499-502, 523, S nonconc 761
- HB 471**, relative to the method of refund of the road toll paid by private school bus companies. (Mock, Carr 3; et al: Public Works and Highways)  
63, psd 161, 167, S conc 716, enr 717 (Chapter 56)
- HB 472**, establishing the council for children and adolescents with chronic health conditions. (Nordgren, Graf 10; et al: Health, Human Services and Elderly Affairs)  
63, am 353-354, psd 381, conc S am 835, enr am 916, enr 926, appointments 969 (Chapter 293)
- HB 473**, relative to the use of watercraft and boats on the waters of Chocorua Lake in the town of Tamworth. (Mock, Carr 3: Transportation)  
63, psd 182, 196, conc S am 835, enr 880 (Chapter 205)
- HB 474-L**, allowing local treasurers to invest in collateralized money markets with major investments. (McKinney, Rock 29: Municipal and County Government)  
63, K 211
- HB 475**, requiring a study on overweight and over-dimension vehicle permits and, in particular, permits for manufactured housing units. (Burnham, Ches 8: Public Works and Highways)  
63, K 181
- HB 476**, establishing the New Hampshire council on drug abuse prevention. (Leber, Merr 1: Health, Human Services and Elderly Affairs)  
64, K 354
- HB 477**, prohibiting aircraft from landing and taking off on a certain portion of the Pemigewasset River. (Salatiello, Belk 2; et al: Transportation)  
64, Com 437
- HB 478**, requiring certain notices to be posted at certain job sites for purposes of workers' compensation. (Donald Welch, Hills 48; et al: Labor, Industrial and Rehabilitative Services)  
**new title:** relative to workers' compensation compliance statements and making a technical correction.  
**2<sup>nd</sup> new title:** relative to workers' compensation compliance statements and making a technical correction and relative to continuing education for claims adjusters.  
64, am 428-429, psd 522, nonconc S am, conf 867, 875, rep adop 902, enr am 916, enr 926 (Chapter 324)
- HB 479**, establishing a committee to study the merits of installation of dual pipe and tank septic systems. (Lefebvre, Hills 31; et al: Resources, Recreation and Development)  
64, rem 204, K 256

- HB 480**, revising the law relative to protection of persons from domestic violence. (Knowles, Straf 11; et al: Criminal Justice and Public Safety)  
64, Com 417
- HB 481**, relative to financial reporting requirements for political candidates. (Almy, Graf 14; et al: Election Law  
64, am 348, psd 381, S nonconc 832
- HB 482**, relative to the access and development of interstate computer network systems. (Connolly, Graf 1: Science, Technology and Energy)  
64, Com 433
- HB 483**, relative to regulation of securities. (Flanagan, Rock 14: Commerce)  
64, am 391-396, psd 521, S conc 716, enr am 837-838, enr 876 (Chapter 112)
- HB 484**, relative to registration of certain voters who vote by absentee ballot. (Flanagan, Rock 14: Election Law)  
64, Com 349
- HB 485**, relative to limited electrical energy producers. (Below, Graf 13; et al: Science, Technology and Energy)  
64, Com 434
- HB 486**, relative to a study of Route 3A. (D'Allesandro, Hills 46: Public Works and Highways)  
**new title:** relative to the study of a certain portion of Route 3A.  
64, am 212, psd 256, nonconc S am 717
- HB 487**, relative to the distribution of tobacco products. (Nordgren, Graf 10; et al: Commerce)  
64, K 396
- HB 488-FN**, relative to involuntary admission to the state hospital on an emergency basis. (Manning, Ches 9; et al: Health, Human Services and Elderly Affairs)  
65, am & Finance 302-303, psd 596, 621, S conc 830, enr 876 (Chapter 150)
- HB 489-L**, requiring an annual cost of living adjustment for elderly exemptions to the property tax. (Herman, Hills 13: Local and Regulated Revenues)  
65, K 125
- HB 490**, relative to the confidentiality of medical records. (Mittelman, Hills 37; et al: Health, Human Services and Elderly Affairs)  
65, Com 354
- HB 491**, establishing a house committee to study the institution of a state property tax. (Amidon, Hills 9: Finance)  
65, K 207
- HB 492**, relative to the refund of unused insurance premiums for insurance policies sold by motor vehicle dealers. (Mirski, Graf 12: Commerce)  
65, K 396
- HB 493**, relative to prohibiting the sale of opportunities for the taking of fish and game by certain property owners. (Mirski, Graf 12: Wildlife and Marine Resources)  
65, K 214
- HB 494-FN**, relative to house bills and constitutional authority. (Mirski, Graf 12: Legislative Administration)  
65, K 178
- HB 495**, prohibiting registered lobbyists from serving on the legislative ethics committee. (McCann, Straf 11; et al: Legislative Administration)  
65, SO 521, am 538, psd 571, S conc 738, enr 829 (Chapter 113)
- HB 496**, requiring all land application of sludge or biosolids to comply with certain best management practices and relative to an exceptional quality exclusion. (Owen, Merr 6; et al: Environment and Agriculture)  
65, K 490

- HB 497**, excluding domestic septage from regulation as sludge or biosolids. (Owen, Merr 6; et al: Environment and Agriculture)  
65, Com 491
- HB 498-FN-A**, establishing a New Hampshire farm museum and making an appropriation therefor. (Owen, Merr 6; et al: Environment and Agriculture)  
**new title:** recognizing the New Hampshire Farm Museum in Milton, New Hampshire as the first official state of New Hampshire farm museum.  
65, am 261, psd 380, S conc 709, enr 717 (Chapter 57)
- HB 499**, establishing a committee to study the provision by the state of certain economic, medical, and social support services to individuals whose misconduct resulted in the need for service. (Rosen, Belk 7; et al: Health, Human Services and Elderly Affairs)  
65, rem 139, K 166
- HB 500**, relative to membership on the retirement system board of trustees. (B. Moore, Rock 21; et al: Executive Departments and Administration)  
65, K 350
- HB 501**, including blindness in the special education provisions, and allowing attorneys to act as neutrals in special education dispute resolution. (McKinley, Straf 2; et al: Education)  
66, Finance 366, psd 577, 592, S conc 760, enr 829 (Chapter 89)
- HB 502-L**, placing limitations on warrant articles at special meetings. (Burke, Hills 15; et al: Municipal and County Government)  
66, am 430-431, psd 522, nonconc S am, conf 835, 875, 877, rep adop 902, enr 914 (Chapter 317)
- HB 503-FN-L**, relative to direct recall elections. (D'Allesandro, Hills 46; et al: Election Law)  
66, K (RC) 369-371
- HB 504-L**, relative to the property tax obligation for real estate used as rental housing by qualified nonprofit charitable organizations. (Dolan, Rock 12; et al: Local and Regulated Revenues)  
66, Com 376
- HB 505**, revising provisions relative to smoking in indoor public places. (Holt, Hills 35; et al: Commerce)  
66, Com 396
- HB 506**, prohibiting all smoking in any restaurant where serving food is the primary function. (A. Pelletier, Straf 12; et al: Commerce)  
66, K (RC) 443-446
- HB 507-A**, relative to the expansion of veterans' home facilities and making an appropriation therefor. (David Welch, Rock 18; et al: Public Works and Highways)  
66, K 269
- HB 508**, relative to mandatory automobile insurance. (Boriso, Belk 1; et al: Commerce)  
66, K 396
- HB 509-A**, relative to repairing and resurfacing the access road to the Gunstock Ski Area. (Rosen, Belk 7; et al: Public Works and Highways)  
66, rem 139, K 166
- HB 510**, relative to delivery of beverages by wholesale distributors. (McGovern, Rock 35: Local and Regulated Revenues)  
66, K 144
- HB 511-FN-L**, requiring health insurers to provide coverage for certain supplies and services necessary in the treatment of diabetes. (Copenhaver, Graf 10; et al: Commerce)  
**new title:** requiring health insurers to provide coverage for certain supplies, services and education necessary in the treatment of diabetes.  
66, am 396-399, psd 521, S conc 830, enr am 908, enr 914 (Chapter 258)
- HB 512-FN**, requiring mediation in domestic cases involving minor children. (K. Rogers, Merr 22: Judiciary and Family Law)  
66, K 424-425

- HB 513-FN**, limiting the operational expenses of the sweepstakes commission to 10 percent of the gross revenue. (McCann, Straf 11; et al: Finance)  
66, K 207
- HB 514-FN**, relative to penalties for driving while intoxicated or under the influence of drugs for persons under 21 years of age. (Christie, Rock 22; et al: Criminal Justice and Public Safety)  
66, K 346
- HB 515-FN**, establishing the New Hampshire commission on the status of fatherhood. (Bickford, Straf 1: Judiciary and Family Law)  
66, K (RC) & protest 322-326
- HB 516-FN**, increasing the fuel oil discharge cleanup fund fee. (Holbrook, Belk 7: Finance)  
66, am 350-351, psd 381, conc S am 709, enr 717 (Chapter 58)
- HB 517-FN**, relative to aggravated felonious sexual assault. (Knowles, Straf 11: Criminal Justice and Public Safety)  
66, am 474, psd 522, S Com 832
- HB 518-FN**, requiring administrative agents to obtain warrants based upon probable cause to perform searches or inspections. (Cobbin, Graf 11: Judiciary and Family Law)  
66, K 425
- HB 519-FN**, relative to regulating heating installers. (L. Foster, Hills 10: Executive Departments and Administration)  
66, K 263
- HB 520**, establishing the bureau of gaming enforcement within the division of state police. (C. Brown, Graf 14: Executive Departments and Administration)  
66, K 263
- HB 521-L**, relative to the definition of terms and conditions of employment and to the subjects of bargaining in the public employee labor relations law. (Mears, Coos 7; et al: Labor, Industrial and Rehabilitative Services)  
66, Com 333
- HB 522-L**, requiring a separate vote of the legislative body of a local governing unit before monies may be appropriated to organizations that conduct registered lobbying activities. (Root, Graf 8; et al: Municipal and County Government)  
66, K 248
- HB 523**, relative to the appointment of guardians ad litem. (Keans, Straf 16; et al: Judiciary and Family Law)  
66, psd 210, 256, S conc 626, enr 690 (Chapter 28)
- HB 524-FN-A**, extending the reporting dates and the prospective repeal date for the state veterans cemetery oversight committee, establishing the New Hampshire state veterans cemetery, relative to the administration of the cemetery, and making appropriations therefor. (Fenton, Hills 24: Public Works and Highways)  
67, K 212-213
- HB 525-L**, relative to Braille instruction for functionally blind pupils. (Gagnon, Hills 48; et al: Education)  
67, am & Finance 289-290, psd 597, 621, S conc 760, enr 829 (Chapter 114)
- HB 526**, clarifying that no other business entity may assume a name which is the same as or deceptively similar to the registered name of a New Hampshire real estate trust. (Aranda, Rock 13; et al: Commerce)  
67, K 340
- HB 527**, classifying smoke bombs as permissible fireworks. (Hunter, Hills 7; et al: Criminal Justice and Public Safety)  
**new title:** classifying certain items as permissible fireworks.  
67, psd 474, 522, nonconc S am, conf 870, 875, rep adop 901, enr 909 (Chapter 177)

- HB 528-L**, relative to municipal water, gas and electric utilities. (J. Bradley, Carr 8; et al: Science, Technology and Energy)  
67, SO 521, am 550-558, psd 571, conc S am & remarks 762, enr 880 (Chapter 206)
- HB 529**, relative to excluding from the definition of subdivision the placement and maintenance of wireless communication facilities. (Boutin, Hills 37; et al: Municipal and County Government)  
67, Com 211
- HB 530-FN-A**, establishing civil action filing fee surcharges to fund civil legal assistance to low-income persons and continually appropriating a special fund. (Hager, Merr 18: Judiciary and Family Law)  
67, Finance (RC) 326-329, K 613-614
- HB 531-FN**, increasing the amount superior court bailiffs are paid per day. (Pepino, Hills 40: Finance)  
67, K 582
- HB 532-FN**, relative to the transportation of alcoholic beverages by a minor. (Christie, Rock 22; et al: Criminal Justice and Public Safety)  
67, am 417-418, psd 521, S nonconc 832
- HB 533-FN**, making technical corrections in the liquor laws. (Avery, Ches 8; et al: Local and Regulated Revenues)  
67, Finance 210, psd 577, 592, S conc 830, enr 880 (Chapter 207)
- HB 534**, establishing a committee to study the New Hampshire highway and bridge infrastructure. (Boutin, Hills 37; et al: Public Works and Highways)  
67, am 361, psd 381, nonconc S am, conf 835, 875, rep adop 902, enr 914, appointments 965 (Chapter 259)
- HB 535**, relative to the regulation of architects. (Belvin, Hills 14: Executive Departments and Administration)  
67, Com 263
- HB 536**, requiring certain dam owners to develop emergency action plans, prohibiting the construction of any dam without a permit, and clarifying the process for issuing orders for dam repair. (Ziegra, Belk 5; et al: Resources, Recreation and Development)  
67, am 336-337, psd 380, conc S am 835, enr 909 (Chapter 178)
- HB 537-FN**, relative to the practice of allied health professionals. (A. Torr, Straf 12; et al: Health, Human Services and Elderly Affairs)  
67, am & Exec Depts 303-317, psd 575, 592, conc S am 835, enr am 918-921, enr 926 (Chapter 287)
- HB 538**, requiring every pupil receiving state-funded scholarships or grants for postsecondary education to pass a drug test as a condition for receiving such funds, and requiring repayment of such moneys upon conviction of a drug-related offense. (McGough, Hills 18; et al: Education)  
67, Com 290
- HB 539-L**, relative to the tax lien process for quarterly tax bills in the city of Concord. (Fraser, Merr 21; et al: Local and Regulated Revenues)  
67, psd 179, 196, conc S am 694, enr am 763, enr 870 (Chapter 115)
- HB 540**, establishing a committee to study the possibility of requiring government agencies to provide a training and development policy instead of the current method of policing, penalizing, and fining business owners for infractions of the law. (D. Lawton, Belk 1: Executive Departments and Administration)  
**new title:** establishing a committee to study ways in which state agencies can be encouraged to assist small businesses to develop practices that comply with state law.  
67, am 422-423, psd 522, S conc 709, enr 737, appointments 965 (Chapter 59)
- HB 541**, relative to long-term care insurance. (Kurk, Hills 5: Commerce)  
67, Com 340
- HB 542-FN-L**, requiring municipalities to include certain information with property tax bills. (Guay, Coos 6: Municipal and County Government)  
67, K 211

- HB 543-L**, relative to valuation of aeronautical facilities for purposes of payments in lieu of property taxes. (Steere, Ches 11; et al: Municipal and County Government)  
67, Com 360
- HB 544**, relative to reconstruction or repair of boathouses which are suitable for use as dwellings. (Dickinson, Carr 2; et al: Resources, Recreation and Development)  
**new title:** relative to dwellings which extend over public waters.  
68, SO 521, am (RC) 544-548, psd 571, S Com 832
- HB 545**, making the term of the attorney general coterminous with that of the governor. (Below, Graf 13; et al: Executive Departments and Administration)  
68, K 423
- HB 546**, relative to the form of the presidential primary election ballots. (Flanagan, Rock 14: Election Law)  
68, psd 371, 381, S nonconc 832
- HB 547**, relative to granting permits to build certain structures on shoreline property. (Dickinson, Carr 2; et al: Resources, Recreation and Development)  
68, SO 521, Com 548
- HB 548-FN**, limiting access to certain business records. (Dickinson, Carr 2; et al: Commerce)  
68, Com 277
- HB 549**, relative to service-connected military or coast guard disability compensation in the determination of alimony or separate maintenance. (Varrell, Rock 9; et al: Judiciary and Family Law)  
68, rem 383, SO 521, K 567
- HB 550**, relative to certain social security disability compensation in the determination of alimony or separate maintenance. (Varrell, Rock 9; et al: Judiciary and Family Law)  
68, rem 383, SO 521, K 567
- HB 551-L**, allowing municipalities to grant retired persons over 65 years of age a property tax credit and a property tax cap. (Larrabee, Merr 9: Local and Regulated Revenues)  
68, K 179
- HB 552-L**, clarifying the authority of municipalities to regulate the use of their highways which provide sole access to properties in adjoining municipalities. (Metzger, Ches 13; et al: Municipal and County Government)  
68, Com 431
- HB 553-L**, relative to a right to farm. (McRae, Hills 7: Environment and Agriculture)  
68, Com 141
- HB 554**, relative to damages in suits brought by administrators of an estate. (Keans, Straf 16: Judiciary and Family Law)  
68, psd 425, 522, nonconc S am, conf 870, 875, rep adop 901, enr 914 (Chapter 260)
- HB 555**, exempting an individual's pensions and individual retirement accounts from bankruptcy attachment. (M. Fuller Clark, Rock 36; et al: Judiciary and Family Law)  
68, Com 425
- HB 556-L**, authorizing municipalities to refund a portion of fees for municipal registration permits. (Alger, Graf 9; et al: Local and Regulated Revenues)  
68, K 376
- HB 557-FN-L**, establishing a welfare reserve fund and relative to a city or town's liability for general assistance. (Kurk, Hills 5: Health, Human Services and Elderly Affairs)  
68, K 317
- HB 558-FN**, relative to life imprisonment for persons who have committed 3 or more serious violent felonies. (Hess, Merr 11; et al: Criminal Justice and Public Safety)  
68, K 474-475
- HB 559-FN**, relative to crimes against persons under 13 years of age. (MacIntyre, Hills 18; et al: Criminal Justice and Public Safety)  
68, Com 418

- HB 560-FN**, relative to penalties for introduction of boats and seaplanes from waters infested with milfoil or zebra mussels into clean lakes or ponds. (Lovett, Graf 6; et al: Resources, Recreation and Development)  
68, Com 270
- HB 561-FN**, relative to certain marine patrol personnel. (Lovett, Graf 6: Resources, Recreation and Development)  
68, Com 270
- HB 562-FN-A**, imposing a tax on gambling winnings over \$5 to fund kindergarten and continually appropriating a special fund. (McCann, Straf 11; et al: Finance)  
68, K 374
- HB 563-FN-A**, relative to a tax on telecommunications easements. (Below, Graf 13; et al: Finance)  
68, Com 351
- HB 564-FN-A**, increasing the cigarette tax and designating a portion of the revenue for anti-smoking programs aimed at teenagers. (C. Brown, Graf 14; et al: Finance)  
**new title:** increasing the cigarette tax.  
68, rules suspended 621, am (2 RCs) 649-657, psd 689, nonconc S am, conf 867, 875, Clerk's note 963
- HB 565-FN**, relative to penalties for joy-riding and car theft across state lines. (Durham, Hills 22: Criminal Justice and Public Safety)  
68, Com 418
- HB 566-FN-A-L**, preserving a municipality's authority to tax an electric generation plant as real estate when the plant is unregulated and increasing the franchise tax. (J. Bradley, Carr 8: Local and Regulated Revenues)  
**new title:** relative to the applicability of the property tax to electric plants and pipelines.  
68, am 335, psd 380, nonconc S am, conf 870, 875, rep adop 902, enr 914 (Chapter 294)
- HB 567-FN-L**, relative to administration of vital records. (Emerton, Hills 7: Health, Human Services and Elderly Affairs)  
69, psd 317, 380, nonconc S am, conf 867, 875, rep adop 901, enr am 916, enr 926 (Chapter 325)
- HB 568-FN**, relative to the oath of office for attorneys and the penalty for failure to fulfill the oath. (Hemon, Straf 11; et al: Judiciary and Family Law)  
69, rem 383, SO 521, K & protest 567
- HB 569-FN-A-L**, creating a New Hampshire securities transfer excise tax and a continually appropriated fund. (Hemon, Straf 11: Finance)  
69, rem 339, K & protest 378-379
- HB 570-FN**, establishing a procedure for appointment of independent counsel in New Hampshire. (Hemon, Straf 11; et al: Judiciary and Family Law)  
69, K 267
- HB 571-FN-A**, funding services for developmentally disabled persons with severe disabilities and making an appropriation therefor and relative to full funding of services to developmentally disabled persons. (Burnham, Ches 8; et al: Finance)  
**new title:** relative to full funding of services to developmentally disabled persons.  
69, am 614, psd 622, S conc 760, enr 870 (Chapter 151)
- HB 572-FN**, relative to town, city, and county treasurers and to the state treasurer. (Dyer, Hills 8: Executive Departments and Administration)  
69, am & Finance 264, am 597, psd 621, S conc 831, enr 880 (Chapter 208)
- HB 573-FN**, repealing administrative suspension of driver's licenses for driving while intoxicated. (W. Williams, Graf 3; et al: Criminal Justice and Public Safety)  
69, K 418
- HB 574-FN-A-L**, imposing a flat tax to replace certain state and local taxes. (W. Williams, Graf 3; et al: Finance)  
69, K 207

**HB 575**, authorizing the commissioner of the department of environmental services to accept environmental standards developed by the International Standards Organization (ISO) in place of certain permits and certification requirements. (Aranda, Rock 13; et al: Environment and Agriculture)

**new title:** authorizing the commissioner of the department of environmental services to accept environmental standards developed by the International Organization for Standardization (ISO) in place of certain permits and certification requirements.

69, am 372-373, psd 381, conc S am 836, enr 880 (Chapter 295)

**HB 576**, relative to anonymous political campaign literature or communications. (Cobbin, Graf 11; et al: Election Law)

69, K & protest 372

**HB 577-FN-A-L**, relative to funding statewide kindergarten and making an appropriation therefor. (D. White, Hills 25; et al: Education)

69, K 290

**HB 578-FN-A-L**, providing for property tax relief and making an appropriation therefor. (Kurk, Hills 5; et al: Finance)

69, rem 594, Com 619

**HB 579-FN-L**, providing that a person who, having obtained a restraining order against an abuser and having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation. (Cushing, Rock 22; et al: Labor, Industrial and Rehabilitative Services)

69, Com 333-334, recon rej (RC) 518-521

**HB 580-FN**, requiring that loans for purposes of purchasing manufactured housing be considered mortgages. (L. Foster, Hills 10: Commerce)

**new title:** providing that the proper place for filing security interests on manufactured housing is in the office where mortgages or real estate are filed or recorded.

**2<sup>nd</sup> new title:** providing that the proper place for filing security interests on manufactured housing is in the office where mortgages on real estate are filed or recorded.

69, am 399, psd 521, conc S am 762, enr 829 (Chapter 116)

**HB 581-FN**, authorizing the department of environmental services to issue permits in emergency situations, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures. (Dickinson, Carr 2; et al: Resources, Recreation and Development)

69, Com 270

**HB 582-FN**, relative to medicaid rate setting. (Amidon, Hills 9; et al: Health, Human Services and Elderly Affairs)

69, Finance 237, rem 594, am 619, psd 622, nonconc S am, conf 871, 875 rep adop 901, enr 926 (Chapter 346)

**HB 583-FN-L**, relative to felonious disarming of a law enforcement officer. (Pepino, Hills 40: Criminal Justice and Public Safety)

69, Com 418

**HB 584-L**, relative to the duties of school nurses. (O'Hearn, Hills 26; et al: Health, Human Services and Elderly Affairs)

87, am 374-375, psd 381, conc S am 836, enr am 916, enr 926 (Chapter 326)

**HB 585**, relative to prohibiting littering, as enforced by the fish and game department. (Abbott, Rock 19: Wildlife and Marine Resources)

rules suspended & intro 87, am 214, psd 256, S conc 626, enr 690 (Chapter 29)

**HB 586**, changing the expiration date of OHRV registrations. (Pfaff, Merr 11: Transportation)

87, am 363, psd 381, S conc 738, enr 829 (Chapter 117)

**HB 587-FN**, relative to the system benefits charge and interim stranded costs recovery charges in electric utility restructuring. (MacGillivray, Hills 21: Science, Technology and Energy)

rules suspended & intro 87, Com 273

- HB 588-FN**, relative to certification of operators of solid waste plants, water treatment plants, and wastewater treatment plants, and adding late renewal fees. (Dickinson, Carr 2; et al: Executive Departments and Administration)  
rules suspended & intro 87, am & Finance 295-296, psd 597, 621, conc S am 836, enr am 908, enr 914 (Chapter 261)
- HB 589-FN**, establishing livery plates and associated fees. (Dickinson, Carr 2; et al: Transportation)  
**new title:** removing a common carrier exemption.  
rules suspended & intro 87, am & Finance 273-274, psd 380, S nonconc 832
- HB 590-FN-L**, allowing property taxpayers to choose whether to participate in the funding of nonprofit organizations through their property taxes. (Murch, Hills 31; et al: Local and Regulated Revenues)  
rules suspended & intro 87, K 210-211
- HB 591-FN**, relative to eliminating the authority of the sweepstakes commission to hold sweepstakes races at horse and dog tracks. (Lovett, Graf 6: Local and Regulated Revenues)  
rules suspended & intro 87, 88, K 179
- HB 592-FN-A-L**, establishing a brain and spinal cord injury trust fund and an advisory council on brain and spinal cord injuries and continually appropriating a special fund. (Boyce, Belk 5; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing an advisory council on brain and spinal cord injuries.  
88, am & Finance 317-318, psd 597, 621, conc S am 836, enr 914, appointments 970 (Chapter 262)
- HB 593-FN-L**, extending the grant program for closure of landfills to municipalities and adding the closure of the refuse-to-energy facility at Pease to the state water pollution control revolving fund priority projects. (M. Fuller Clark, Rock 36; et al: Environment and Agriculture)  
rules suspended & intro 87, 88, Com 262
- HB 594-FN-L**, exempting towns and cities from paying condominium fees when condominium units are taken for nonpayment of taxes. (Ham, Graf 4; et al: Commerce)  
88, Com 399
- HB 595-FN**, protecting consumers from the unlicensed practice of law. (Lockwood, Merr 9: Judiciary and Family Law)  
88, Com 425
- HB 596-FN**, repealing the law prohibiting the bribing or intimidating of voters. (Arndt, Rock 27: Election Law)  
**new title:** repealing certain laws relative to bribery or intimidation of voters.  
88, am 349, psd 381, S conc 831, enr 876 (Chapter 152)
- HB 597-FN-A**, creating a tax on gross receipts of health care services. (Allen, Hills 1: Health, Human Services and Elderly Affairs)  
88, K 177
- HB 598-FN**, relative to liens on aircraft for nonpayment of aircraft registration fees. (Weyler, Rock 18; et al: Transportation)  
88, Finance 363, am 597, psd 621, S conc 831, enr 870 (Chapter 118)
- HB 599-FN**, relative to youth access to tobacco products. (Nordgren, Graf 10; et al: Commerce)  
rules suspended & intro 87, 88, am & Finance 277-287, psd 597, 621, conc S am 836, enr am 916-917, enr 926 (Chapter 338)
- HB 600**, consolidating administrative support for the regulation of health professionals. (Dyer, Hills 8; et al: Executive Departments and Administration)  
rules suspended & intro 87, 88, Com 206-207
- HB 601-FN-A**, to develop a statewide technology program for educational institutions and establishing a 5 percent tax on video rentals to fund the program. (M. Fuller Clark, Rock 36; et al: Education)  
rules suspended & intro 87, 88, K 290

- HB 602-FN-A**, repealing the franchise tax on electrical utilities and replacing it with a tax on the distribution of electricity. (Below, Graf 13; et al: Finance)  
**new title:** repealing the franchise tax on electrical utilities and replacing it with a tax on electricity consumption.  
88, rules suspended 621, am 628-631, psd 689, nonconc S am, conf 867, 875, rep adop 902, enr 926 (Chapter 347)
- HB 603-FN-A**, exempting the first \$300,000 in value of the total estate of a decedent from the legacies and successions tax. (Almy, Graf 14; et al: Finance)  
88, K 207
- HB 604-FN-L**, relative to accessing information in delinquency cases. (Lyman, Carr 5; et al: Criminal Justice and Public Safety)  
88, Com 259
- HB 605-FN-L**, relative to procedures regarding delinquent children under RSA 169-B. (Lyman, Carr 5; et al: Criminal Justice and Public Safety)  
rules suspended & intro 87, 88, Com 259-260
- HB 606-FN-L**, relative to procedures regarding children in need of services under RSA 169-D. (Woods, Rock 25; et al: Judiciary and Family Law)  
rules suspended & intro 87, 88, am & Finance 329-333, Com 598
- HB 607-FN**, relative to special number plates for certain veterans. (Kenney, Carr 6: Transportation)  
88, K (RC) 191-193
- HB 608-FN**, providing that a district court shall not require the department of health and human services to certify a particular provider of children's services. (Woods, Rock 25; et al: Judiciary and Family Law)  
88, K 425
- HB 609-FN-L**, enacting the Uniform Interstate Family Support Act (UIFSA), and relative to child support. (Clay, Hills 4; et al: Judiciary and Family Law)  
88, rcmt 333, rules suspended 621, am 666-687, psd 689, conc S am 836, enr am 908-909, enr 914 (Chapter 263)
- HB 610-FN**, relative to the regulation of small telephone companies by the public utilities commission. (McRae, Hills 7: Science, Technology and Energy)  
rules suspended & intro 87, 88, Com 273
- HB 611-FN**, making state securities laws comply with the National Securities Markets Improvement Act. (Flanagan, Rock 14: Commerce)  
rules suspended & intro 87, 88, am 399-415, psd 521, conc S am 836, enr am 921-926, enr 926 (Chapter 296)
- HB 612-FN**, requiring the state board of education and the department of education to establish suitable tests of academic knowledge to be administered as a prerequisite for certification of new teachers in New Hampshire. (Root, Graf 8; et al: Education)  
88, Com 290
- HB 613-FN-A-L**, establishing a flat county property tax to fund basic education. (Allen, Hills 1: Education)  
rules suspended & intro 87, 88, K 291
- HB 614-FN**, making any person who, while operating a motor vehicle, fails to yield in certain circumstances guilty of a class B misdemeanor if such failure results in an accident or an injury. (Asselin, Hills 47: Criminal Justice and Public Safety)  
88, K 418
- HB 615-FN**, allowing group accounts for certain employers under the unemployment compensation laws. (Kenney, Carr 6: Labor, Industrial and Rehabilitative Services)  
89, K 429
- HB 616-FN**, relative to jury selection reforms. (Mittelman, Hills 37; Knowles, Straf 11: Judiciary and Family Law)  
rules suspended & intro 87, 89, am & Finance 267, rem 594, Com 620

- HB 617-FN-A-L**, relative to payments for catastrophic aid for special education and making an appropriation therefor. (Belvin, Hills 14: Finance)  
89, K 207-208
- HB 618-FN**, relative to increasing certain state park fees. (M. Whalley, Merr 5; et al: Resources, Recreation and Development)  
rules suspended & intro 87, 89, Com 213
- HB 619-FN-A**, establishing a sunset review process for state agencies and making an appropriation therefor. (Mirski, Graf 12; et al: Executive Departments and Administration)  
rules suspended & intro 87, 89, rem 258, K 338
- HB 620**, allowing a municipality to adopt plans to delay reassessments on businesses which expand in central business districts and on historic buildings listed with the National Register of Historic Places. (Pepino, Hills 40: Local and Regulated Revenues)  
rules suspended & intro 87, 89, K 356
- HB 621**, exempting wilderness/back country rescuers from RSA 151-B. (P. Bradley, Coos 6; et al: Health, Human Services and Elderly Affairs)  
89, Com 354
- HB 622-FN**, requiring legislative approval of certain out-of-court settlements of claims against the state. (Kurk, Hills 5; et al: Legislative Administration)  
**new title:** relative to legislative approval of settlements of court claims against the state.  
rules suspended & intro 87, 89, rcmt 247, SO 521, am 538-539, psd 571, S conc 738, enr 829 (Chapter 153)
- HB 623**, allowing a landlord or housing owner under the housing finance authority to terminate a tenancy to allow a family member to occupy the premises. (L. Jean, Hills 17; et al: Judiciary and Family Law)  
rules suspended & intro 87, 89, K 425
- HB 624**, subjecting certain payments made to public employees upon resignation, discharge, or retirement to the right-to-know law. (Malcolm, Rock 22; et al: Judiciary and Family Law)  
rules suspended & intro 87, 89, psd 426, 522, S conc 716, enr 829 (Chapter 90)
- HB 625-FN**, establishing heightened criminal penalties for threatening or assaulting a teacher. (Batula, Hills 18; et al: Education)  
89, com changed 131, K 204
- HB 626**, requiring an inexperienced driver and a person 16-17 years of age to obtain a special learner's permit and examination permit prior to obtaining a driver's license. (Belvin, Hills 14; et al: Transportation)  
89, K 274
- HB 627-FN**, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources. (Mock, Carr 3; et al: Transportation)  
89, Com 249
- HB 628**, relative to leasing Mount Sunapee and Cannon Mountain ski areas based on the prototype lease developed pursuant to prior legislation. (E. Smith, Ches 6; et al: Resources, Recreation and Development)  
**new title:** relative to an agreement or contract for the Mount Sunapee or Cannon Mountain ski area operations, or both, establishing a committee to develop a proposal and review responses, and requiring review of any agreement or contract by the capital budget overview committee.  
rules suspended & intro 87, 89, SO 521, am 548-550, psd 571, conc S am 709, enr 829, appointments 966 (Chapter 119)
- HB 629-FN**, establishing a pilot program for the recording of committee proceedings of the general court. (Copenhaver, Graf 10: Legislative Administration)  
rules suspended & intro 87, 89, K 269

- HB 630-FN-L**, providing an additional service retirement option for group I teacher members of the retirement system. (C. Jean, Hills 32; et al: Executive Departments and Administration) rules suspended & intro 87, 89, Com 264
- HB 631-FN**, authorizing the department of safety to issue special amateur radio operator plates and related fees. (Rosen, Belk 7; et al: Transportation) 91, K 182-183
- HB 632-L**, relative to changing the membership of the water well board and relative to board procedures in refusing, suspending, or revoking licenses. (Emerton, Hills 7; et al: Executive Departments and Administration)  
**new title:** abolishing the water well board and transferring its authority to the department of environmental services.  
**2<sup>nd</sup> new title:** replacing the current membership of the water well board and changing the term of office for water well board members  
 rules suspended & intro 87, 91, am 497-499, psd 522, nonconc S am, conf 871, 875, rep adop 901, enr am 913, enr 926 (Chapter 339)
- HB 633**, requiring employers to offer a point-of-service option. (C. Moore, Merr 19; et al: Labor, Industrial and Rehabilitative Services) rules suspended & intro 87, 91, SO 521, K 537-538
- HB 634-L**, relative to removal from office of certain municipal officials by voters. (David Welch, Rock 18; et al: Election Law) rules suspended & intro 87, 91, K 349
- HB 635**, relative to a limitation on liability for emergency medical care providers. (McGough, Hills 18; et al: Judiciary and Family Law) 91, rem 383, SO 521, Com 568
- HB 636-L**, relative to municipal authority to grant tax abatements for the purpose of facilitating the transfer of contaminated property acquired by a municipality through tax deed to a buyer participating in the brownfields program. (Melcher, Hills 11; et al: Local and Regulated Revenues)  
**new title:** relative to facilitating the transfer of contaminated property acquired by a municipality to a buyer eligible to participate in the brownfields program.  
 rules suspended & intro 87, 91, am 356-357, psd 381, S conc 831, enr 914 (Chapter 264)
- HB 637-FN**, relative to license suspension and revocation. (Hess, Merr 11: Transportation) rules suspended & intro 87, 91, K 274
- HB 638-FN**, requiring random on-site inspection and testing of certain sludge and biosolid samples. (Owen, Merr 6; et al: Environment and Agriculture)  
**new title:** establishing a pilot program for the random on-site inspection and testing of certain sludge and biosolid samples.  
 rules suspended & intro 87, 91, am & Finance 293, rules suspended 621, rem 626, am 687-688, psd 689, S conc 831, enr 880 (Chapter 209)
- HB 639**, relative to the term of office of any person appointed by the governor and council between a general election and the expiration of the term of a governor who was not reelected. (Below, Graf 13; et al: Executive Departments and Administration) rules suspended & intro 87, 91, K 499
- HB 640**, establishing a committee to examine the feasibility of establishing a state of the art meteorological center at the former Pease Air Force Base. (Varrell, Rock 9; et al: Commerce) 91, rem 383, SO 521, K 566
- HB 641**, relative to property tax bills for land parcels having multiple owners. (L. Foster, Hills 10: Municipal and County Government) 91, Com 360
- HB 642**, requiring that all property taxes be paid prior to approval of a subdivision plat. (L. Foster, Hills 10: Municipal and County Government) 91, Com 360

- HB 643-FN**, establishing an industry average performance system for air pollution control, and establishing certain pollution control funds. (MacGillivray, Hills 21; et al: Science, Technology and Energy)  
rules suspended & intro 87, 91, Com 213
- HB 644-FN-A**, changing the rate of taxation for certain fuels subject to the road toll. (MacGillivray, Hills 21; et al: Public Works and Highways)  
rules suspended & intro 87, 91, K 191
- HB 645-FN**, requiring the commissioner of health and human services to produce certain quarterly reports. (Allen, Hills 1: Finance)  
rules suspended & intro 87, 92, Com 351
- HB 646-FN-A**, relative to eligibility for child day care services for persons receiving public assistance and making an appropriation therefor. (Wallner, Merr 24; et al: Health, Human Services and Elderly Affairs)  
**new title:** relative to eligibility for child day care services for persons receiving public assistance.  
rules suspended & intro 87, 92, am & Finance 318-319, am 598, psd 621, S conc 831, enr 914 (Chapter 297)
- HB 647-FN-A-L**, relative to a centralized computer checklist of voters and making an appropriation therefor. (M. Fuller Clark, Rock 36: Election Law)  
92, Com 233
- HB 648-L**, relative to a local option fee for local or regional transportation infrastructure improvements. (M. Fuller Clark, Rock 36, et al: Local and Regulated Revenues)  
**new title:** establishing a local option fee for local or regional transportation improvements.  
rules suspended & intro 87, 92, am 357-359, psd 381, S Com 832
- HB 649-FN**, relative to reckless driving. (Nowe, Rock 3: Transportation)  
rules suspended & intro 87, 92, Com 438
- HB 650**, relative to limited liability companies. (Mercer, Hills 27; et al: Commerce)  
rules suspended & intro 87, 92, am 446-468, psd 522, S conc 709, enr am 763-764, enr 870 (Chapter 120)
- HB 651-FN-L**, relative to electric rate reduction financing. (Below, Graf 13; et al: Science, Technology and Energy)  
rules suspended & intro 87, 92, Com 434
- HB 652**, establishing a committee to study certification of police and fire dispatchers. (Pepino, Hills 40; et al: Criminal Justice and Public Safety)  
**new title:** establishing a house committee to study certification of police and fire dispatchers.  
92, psd 204, 256, conc S am 717, enr 829, appointments 966 (Chapter 91)
- HB 653-L**, relative to address numbers on streets and highways and relative to penalties for violations of certain planning and zoning laws. (LaRose, Hills 27; et al: Municipal and County Government)  
rules suspended & intro 87, 92, SO 521, am 542-543, psd 571, S conc 738, enr 829 (Chapter 92)
- HB 654**, expanding the weight and length law exemptions to include vehicles used by cities and towns for trash removal. (G. Katsakiores, Rock 13; et al: Transportation)  
rules suspended & intro 87, 92, K 183
- HB 655-FN**, requiring the department of agriculture, markets, and food to maintain records concerning commercial transactions of the bovine somatotropin growth hormone. (Aranda, Rock 13; et al: Commerce)  
92, K 259
- HB 656-L**, repealing the provision which requires the state board to approve schools before a district is qualified to receive state aid to education. (D. Lawton, Belk 1; et al: Education)  
92, K 291

- HB 657-FN**, eliminating the Pease development authority and transferring its duties and authority to a new Pease international tradeport division. (Dolan, Rock 12; et al: Commerce)  
92, K 139
- HB 658-FN-A**, ensuring that the division of safety services, department of safety receives its ½ share of unrefunded tolls for boat motor fuels as required by law, and establishing a special fund therefor. (Dickinson, Carr 2; et al: Finance)  
rules suspended & intro 87, 92, am 598-599, psd 621, S conc 831, enr am 877, enr 880 (Chapter 210)
- HB 659**, modifying restrictions on televised political advertising. (Teschner, Graf 5; et al: Election Law)  
rules suspended & intro 87, 92, Com 349
- HB 660**, adding the name of Martin Luther King, Jr. to Civil Rights Day. (Pantelakos, Rock 30; et al: Executive Departments and Administration)  
rules suspended & intro 87, 92, SO 482, LT 502, IP (2 RCs) & protests 511-518
- HB 661-FN-L**, allowing high school pupils to attend the public secondary school of their choice. (Arndt, Rock 27; et al: Education)  
92, K 291
- HB 662**, revising the laws relative to the use of dealer plates. (Bartlett, Belk 6; et al: Transportation)  
92, am 438-442, psd 522, conc S am 717, enr am 868, enr 880 (Chapter 179)
- HB 663-FN-L**, imposing a \$100 per year surtax on occupiers of rental property and condominium units to fund state aid to education and prohibiting future increases in individual residential property taxes to meet educational costs. (L. Pratt, Coos 4: Local and Regulated Revenues)  
rules suspended & intro 87, 92, K 179
- HB 664-FN**, increasing the witness fee for law enforcement officers and the mileage allowance for witnesses. (Dolan, Rock 12; et al: Finance)  
92, K 577
- HB 665-FN**, establishing the crime of felony murder. (Simmons, Rock 25; et al: Criminal Justice and Public Safety)  
92, Com 418
- HB 666-FN-L**, relative to binding interest arbitration for law enforcement and firefighter contracts. (Gibbons, Rock 13: Labor, Industrial and Rehabilitative Services)  
93, K, recon & K (RC) 241-244
- HB 667**, relative to confidentiality issues concerning the exchange of information between the departments of revenue administration and employment security and relative to payment of employer contributions. (Turner, Belk 7; et al: Labor, Industrial and Rehabilitative Services)  
93, am & Criminal Justice 268-269, am 575, psd 592, S conc 716, enr am 869, enr 880 (Chapter 211)
- HB 668-FN-L**, licensing, regulating, and taxing video gambling machine use. (C. Brown, Graf 14: Local and Regulated Revenues)  
93, K 335
- HB 669-FN**, enhancing penalties for violations of laws regulating underground storage facilities. (Dickinson, Carr 2; et al: Criminal Justice and Public Safety)  
93, K 418-419
- HB 670-FN**, relative to telemarketing registration and fraud prevention. (Hunt, Ches 10; et al: Commerce)  
93, Com 139
- HB 671-A**, establishing a committee to study the organization, structure, and administration of the department of fish and game, and making an appropriation therefor. (Pfaff, Merr 11; et al: Wildlife and Marine Resources)  
93, am 338, psd 380, S conc 761, enr 829, appointments 966 (Chapter 93)

- HB 672-FN**, relative to lowering the allowable alcohol concentration for persons under 21 operating OHRVs. (Christie, Rock 22; et al: Criminal Justice and Public Safety)  
93, psd 419, 521, S conc 831, enr 876 (Chapter 121)
- HB 673-FN**, establishing a penalty for committing certain offenses while aboard an aircraft which lands in this state and relative to the jurisdiction of law enforcement officers and the courts over persons committing offenses in an aircraft landing in this state. (J. Flanders, Rock 18; et al: Criminal Justice and Public Safety)  
93, K 419
- HB 674-FN**, relative to dam registration and filing fees. (Dickinson, Carr 2; et al: Finance)  
rules suspended & intro 87, 93, psd 577, 592, S conc 831, enr 829 (Chapter 122)
- HB 675-FN**, relative to bass fishing tournaments. (Lovett, Graf 6; et al: Wildlife and Marine Resources)  
93, K 183
- HB 676-FN-L**, establishing procedures for the distribution of proceeds from the sale of tax-deeded property by a municipality. (L. Foster, Hills 10; et al: Municipal and County Government)  
93, Com 360
- HB 677-FN**, increasing the wetlands excavating and dredging permit fee for major and minor projects. (Dickinson, Carr 2; et al: Resources, Recreation and Development)  
93, am & Finance 270-271, am 614-615, psd 622, conc S am 836, enr 880 (Chapter 212)
- HB 678**, relative to the expansion of veterans' home services. (David Welch, Rock 18; et al: State-Federal Relations and Veterans Affairs)  
93, am 181, psd 196, S conc 593, enr 689 (Chapter 18)
- HB 679-FN-L**, repealing the limitation on zoning ordinance protest petitions. (Camm, Rock 17: Municipal and County Government)  
93, Com 431
- HB 680-FN**, relative to criminal liability for harm caused by dangerous domestic animals or captive wildlife. (Felch, Rock 21: Criminal Justice and Public Safety)  
93, K 475
- HB 681**, relative to penalties for certain violations of fish and game laws and granting rulemaking authority to the executive director relative to registration agent fees for wild turkey permits. (Felch, Rock 21: Wildlife and Marine Resources)  
93, psd 165-166, 167, S conc 574, enr 622 (Chapter 9)
- HB 682-FN-L**, requiring law enforcement agencies to notify certain community organizations when a sexual offender moves into the community. (Christie, Rock 22: Criminal Justice and Public Safety)  
93, Com 419
- HB 683-FN**, relative to one-day fishing licenses for residents and nonresidents. (Boriso, Belk 1; et al: Wildlife and Marine Resources)  
93, K 214-215
- HB 684-FN**, relative to drivers who purposely neglect to stop when under pursuit by a law enforcement officer. (Kenney, Carr 6: Criminal Justice and Public Safety)  
93, K 419
- HB 685-FN**, relative to the assault of a law enforcement officer acting in the line of duty. (Kenney, Carr 6: Criminal Justice and Public Safety)  
93, K 419
- HB 686-FN-A**, relative to financing child day care facilities and making an appropriation therefor. (Emerton, Hills 7; et al: Health, Human Services and Elderly Affairs)  
rules suspended & intro 87, 93, am & Finance 319-320, Com 599
- HB 687**, establishing an Alan B. Shepard park commission. (G. Katsakiores, Rock 13; et al: Resources, Recreation and Development)  
rules suspended & intro 87, 93, am 271, psd 380, S conc 709, enr 829, appointments 966 (Chapter 94)

**HB 688-FN-A**, establishing a committee to study all investigations of the late John C. Fairbanks, authorizing staff for the committee, and making an appropriation therefor. (Cobbin, Graf 11; et al: Judiciary and Family Law)

**new title:** establishing a committee to study all investigations of the late John C. Fairbanks and other members of the legal profession.

**2<sup>nd</sup> new title:** establishing a committee to study any actions and all investigations of the late John C. Fairbanks and other members of the legal profession.

94, am 267-268, psd 380, nonconc S am, conf 871, 875, rep adop 901, enr am 911, enr 926, appointments 966 (Chapter 340)

**HB 689-FN**, relative to a certain portion of registration fees of a nonprofit corporation. (Weyler, Rock 18; et al: Finance)  
rules suspended & intro 87, 94, Com 351

**HB 690**, establishing a long-term care institute. (Kurk, Hills 5; et al: Health, Human Services and Elderly Affairs)  
94, am 320, psd 380, conc S am 836, enr am 913, enr 926, appointments 969 (Chapter 341)

**HB 691**, requiring large employers to offer their employees long-term care insurance. (Kurk, Hills 5; et al: Commerce)  
rules suspended & intro 87, 94, Com 415

**HB 692**, relative to the use of certain court, case, and police records of delinquent children in sentencing for conviction of certain crimes as adults. (Hess, Merr 11: Criminal Justice and Public Safety)  
rules suspended & intro 87, 94, K 419

**HB 693**, establishing a house committee to examine water quality issues. (Martin, Hills 34; et al: Resources, Recreation and Development)  
**new title:** establishing a committee to examine water quality issues.  
94, SO 521, am 550, psd 571, conc S am 836, enr 914, appointments 966 (Chapter 213)

**HB 694**, allowing law enforcement officers to make a video recording of certain communications without notification. (Manning, Ches 9: Criminal Justice and Public Safety)  
94, K 419

**HB 695**, establishing a committee to study the educational requirements of student drivers. (Gleason, Rock 13; et al: Transportation)  
94, psd 363, 381, S conc 831, enr 876, appointments 966 (Chapter 154)

**HB 696-FN-L**, authorizing the court to suspend the motor vehicle driver's license of a person convicted of criminal mischief when such conviction was the result of an act facilitated by the use of an automobile. (Hansen, Hills 2; et al: Criminal Justice and Public Safety)  
**new title:** authorizing the court to suspend the motor vehicle driver's license of a person convicted of criminal mischief when the court determines that a motor vehicle was used to abet the commission of criminal mischief.  
94, am 475, psd 522, S conc 831, enr am 911-912, enr 926 (Chapter 327)

**HB 697-FN-A-L**, establishing a homeless prevention fund, to be funded by a temporary homeless prevention state property tax, and making appropriations to the fund for fiscal years 1998 and 1999. (Allen, Hills 1: Health, Human Services and Elderly Affairs)  
rules suspended & intro 87, 94, Com 320

**HB 698**, relative to the oil discharge and disposal cleanup fund, the fuel oil discharge cleanup fund, and the motor oil discharge cleanup fund. (Holbrook, Belk 7: Resources, Recreation and Development)  
rules suspended & intro 87, 94, am 271-272, psd 380, S conc 626, enr 693 (Chapter 39)

**HB 699-FN**, relative to holiday pay for part-time state employees. (C. Brown, Graf 14: Executive Departments and Administration)  
94, K 264

- HB 700-FN-L**, relative to the renovation of regional vocational education centers. (LaRose, Hills 27; et al: Education)  
**new title:** relative to the renovation of regional vocational education centers and making an appropriation therefor.  
**2<sup>nd</sup> new title:** relative to the renovation of regional vocational education centers and expanding an existing appropriation to include such renovations.  
rules suspended & intro 87, 94, am & Finance 291, am 577-578, psd 592, conc S am 836, enr am 907, enr 914 (Chapter 265)
- HB 701-L**, granting a municipality alternatives to accepting a tax deed to the property when the property owner is tax delinquent. (Hager, Merr 18: Municipal and County Government)  
94, am 431, psd 522, S conc 865, enr am 907, enr 914 (Chapter 266)
- HB 702-FN-L**, establishing procedures governing municipal acquisition of public utility property. (Klemm, Rock 28: Science, Technology and Energy)  
94, K 434
- HB 703-FN-L**, relative to criminal history checks for school personnel. (A. Pelletier, Straf 12: Education)  
94, K 346
- HB 704**, relative to provisional licenses for manufacturers of beverages and requiring approval of the source of water used to manufacture beverages. (Coes, Rock 19; et al: Health, Human Services and Elderly Affairs)  
**new title:** relative to provisional licenses for manufacturers of beverages and requiring approval of the source of water used to manufacture bottled water.  
94, am 266-267, psd 380, conc S am 709, enr 829 (Chapter 155)
- HB 705**, relative to the confidentiality of the records of the department of revenue administration. (Dickinson, Carr 2; et al: Finance)  
94, K 351
- HB 706**, establishing a commission on animal damage control to review the fish and game laws relating to damage by game birds and game. (L'Heureux, Hills 18; et al: Wildlife and Marine Resources)  
94, am 215, psd 257, conc S am 709, enr 717, appointments 966 (Chapter 60)
- HB 707-L**, relative to municipal taxation of utility property. (Below, Graf 13; et al: Science, Technology and Energy)  
94, com changed 114, Com 359
- HB 708**, extending the reporting date for the committee studying the issues surrounding the definition of "facility" for the purposes of eligibility for certain property tax exemptions. (M. Whalley, Merr 5: Municipal and County Government)  
94, psd 360, 381, S conc 761, enr 829 (Chapter 156)
- HB 709**, establishing a committee to study the possibility of imposing property taxes on property used by nonprofit academic institutions primarily for housing. (Salatiello, Belk 2: Local and Regulated Revenues)  
95, K 247
- HB 710-FN**, requiring boating safety education. (J. Foster, Hills 33; et al: Resources, Recreation and Development)  
95, Com 362
- HB 711**, relative to post-termination commissions. (Klemm, Rock 28: Judiciary and Family Law)  
**new title:** relative to post-termination commissions and reinstating the corporate charter of MultiProcess Computer Corporation, Inc.  
95, psd 426, 522, nonconc S am, conf 871, 875, rep adop 901, enr 914 (Chapter 218)
- HB 712**, relative to the purchase, preservation, and reactivation of abandoned railroad rights-of-way and limiting railroad liability for passenger rail service. (G. Katsakiores, Rock 13; et al: Transportation)  
rules suspended & intro 87, 95, Com 443

**HB 713**, establishing a penalty for failure to file certain financial statements and quarterly reports, relative to the names of foreign limited partnerships, and replacing an annual notice requirement for limited liability partnerships with an annual fee. (Flanagan, Rock 14: Commerce)

**new title:** relative to the names of foreign limited partnerships, and eliminating an annual notice requirement for limited liability partnerships.

95, am 415, psd 521, S conc 716, enr 737 (Chapter 61)

**HB 714**, repealing certain duties of the secretary of state relative to the state treasurer's insurance bond and accounts of bonds issued by the state treasurer. (Flanagan, Rock 14: Finance)

**new title:** deleting certain duties of the secretary of state relative to the state treasurer's insurance bond and accounts of bonds issued by the state treasurer.

95, am 352, psd 381, S conc 716, enr 829 (Chapter 95)

**HB 715-L**, placing time limits on covenants that have been placed on deeds by developers. (Bickford, Straf 1: Municipal and County Government)

95, K 360-361

**HB 716-FN**, relative to economic development and retention rates and special contracts. (Below, Graf 13; et al: Science, Technology and Energy)

rules suspended & intro 87, 95, SO 521, am 558-560, psd 571, S Com 761

**HB 717-FN-A**, relative to the taxation of venture capital firms under the business profits tax. (Belvin, Hills 14: Finance)

95, Com 599

**HB 718**, changing that which constitutes the practice of medicine. (A. Torr, Straf 12; et al: Health, Human Services and Elderly Affairs)

rules suspended & intro 87, 95, am 321, psd 380, conc S am 836, enr 914 (Chapter 214)

**HB 719-FN-A**, increasing the number of state troopers and making an appropriation therefor. (McGovern, Rock 35; et al: Finance)

95, K 237

**HB 720-FN**, relative to evening hours for sessions and hearings of the New Hampshire house of representatives. (M. Kelly, Hills 45; et al: Legislative Administration)

95, K 269

**HB 721**, prohibiting certain tobacco or alcohol advertising within drug-free school zones. (Below, Graf 13; et al: Commerce)

95, Com 468

**HB 722-FN**, opting the state out of a provision of federal law relating to benefits for persons convicted of drug-related offenses. (Manning, Ches 9; et al: Health, Human Services and Elderly Affairs)

95, psd 237, 257, S conc 831, enr 876 (Chapter 157)

**HB 723-FN-A**, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover adults. (R. Foster, Carr 10; et al: Health, Human Services and Elderly Affairs)

95, psd 375, 381, nonconc S am, conf 871, 875, 876, new conf 903, Clerk's note 963

**HB 724-FN**, allowing the office of reimbursements in the department of health and human services to set rates for the multiple DWI offender intervention detention center program. (Christie, Rock 22: Criminal Justice and Public Safety)

95, Finance 260, psd 599, 621, S conc 831, enr 880 (Chapter 215)

**HB 725-FN**, relative to the certification of dietitians. (Pfaff, Merr 11; et al: Executive Departments and Administration)

95, K 296

**HB 726-FN**, relative to the jurisdiction and authority of the public utilities commission, and relative to the underground utility damage prevention system. (J. Bradley, Carr 8; et al: Science, Technology and Energy)

- new title:** relative to the jurisdiction and authority of the public utilities commission, the underground utility damage prevention system and the 911 system.
- 2<sup>nd</sup> new title:** relative to the jurisdiction and authority of the public utilities commission, the underground utility damage prevention system, the 911 system, the site evaluation committee, and criminal activities related to wireless telephone cloning.  
95, SO 521, am 560-562, psd 571, conc S am 836, enr am 909, enr 914 (Chapter 298)
- HB 727-FN**, relative to rate-setting for certain services, placements, and programs for children by the department of health and human services. (J. Brown, Straf 17; et al: Judiciary and Family Law)  
rules suspended & intro 87, 95, K 268
- HB 728-FN-A**, relative to designating a portion of the meals and rooms tax revenue for the promotion and development of tourism. (Avery, Ches 8; et al: Finance)  
95, K 208
- HB 729-FN-A**, establishing a kindergarten special number plate and fee, with the fees continually appropriated to the department of education. (Asselin, Hills 47; et al: Transportation)  
95, Com & remarks 249-250
- HB 730-FN**, relative to penalties for sexual misconduct by mental health counselors. (Buckley, Hills 44: Criminal Justice and Public Safety)  
95, Com 420
- HB 731-FN-A-L**, relative to the taxation of sand, gravel, loam, and other similar substances. (Wheeler, Hills 7; et al: Environment and Agriculture)  
95, am & Finance 293-294, rules suspended 621, am (RC) 631-634, psd 689, S conc 831, enr am 909, enr 914 (Chapter 219)
- HB 732-FN**, making revisions relative to parental reimbursement for children's services to the department of health and human services. (Allen, Hills 1: Finance)  
96, K 352
- HB 733-FN**, relative to the state government information dissemination and access act. (M. Fuller Clark, Rock 36: Executive Departments and Administration)  
96, K 264
- HB 734-FN**, requiring district courts to hold evening sessions. (Wall, Straf 9; et al: Judiciary and Family Law)  
96, rem 258, am & Finance 338-339, rem 595, Com 620
- HB 735-FN**, adding certain conduct to that which constitutes aggravated felonious sexual assault and felonious sexual assault. (Knowles, Straf 11: Criminal Justice and Public Safety)  
**new title:** relative to probation and parole officers' authority to enforce criminal laws and adding certain conduct to that which constitutes aggravated felonious sexual assault and felonious sexual assault.  
96, psd 420, 522, nonconc S am, conf 837, 875, rep adop 902, enr 914 (Chapter 220)
- HB 736-FN**, increasing jurors' fees. (MacGillivray, Hills 21: Judiciary and Family Law)  
96, Com 268
- HB 737-FN-L**, relative to redefining earnable compensation for the purpose of determining retirement system benefits. (Kurk, Hills 5; et al: Executive Departments and Administration)  
**new title:** establishing a committee to study the New Hampshire retirement system relative to redefining earnable compensation.  
96, am 265, psd 380, conc S am 694, enr 739, appointments 967 (Chapter 72)
- HB 738-FN-A-L**, relative to the distribution of revenue from the meals and rooms tax. (Dickinson, Carr 2; et al: Finance)  
96, K 208
- HB 739-FN**, relative to copies of vital records. (Dickinson, Carr 2: Health, Human Services and Elderly Affairs)  
96, K 209

- HB 740-FN-L**, requiring the state to pay a witness fee and mileage payment for a local law enforcement officer called as a witness for a division of motor vehicles administrative hearing, to be funded by an increase in the motor vehicle uniform fine schedule. (Downing, Rock 26: Transportation)  
96, K 274
- HB 741-FN-A**, relative to access to state telephone numbers. (Guay, Coos 6: Executive Departments and Administration)  
96, K 265
- HB 742-FN**, establishing half-price greens fees for active military and retired military personnel at the golf course at the former Pease Air Force Base. (Varrell, Rock 9; et al: Commerce)  
96, K 287
- HB 743-FN-L**, relative to the municipal option to impose additional fees for motor vehicle registration permits to fund public parking facilities. (D'Allesandro, Hills 46: Municipal and County Government)  
96, SO 521, K 543
- HB 744-FN**, relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval, and relative to the legal status of local river management advisory committees. (Dickinson, Carr 2: Resources, Recreation and Development)  
  
new title: relative to administrative fines for violations of safety regulations regarding water pollution and waste disposal, authorizing the attorney general to enjoin any youth camp, public swimming pool, or spa operating without approval and authorizing the taking of water samples to determine their compliance with water quality requirements, and relative to the legal status of local river management advisory committees.  
96, am & Finance 272-273, rem 595, rcmt 620, rules suspended 621, am 626-627, psd 688, S conc 716, enr am 869, enr 880 (Chapter 267)
- HB 745-FN**, relative to the compensation of the members of the workers' compensation appeals board. (C. Brown, Graf 14; et al: Executive Departments and Administration)  
96, K 423
- HB 746-FN**, relative to fees collected by the insurance department. (C. Brown, Graf 14; et al: Finance)  
  
new title: relative to fees collected by the insurance department and to limitations on investments in mutual funds by insurers.  
96, am 352-353, psd 381, nonconc S am, conf 868, 875, 877, rep adop 902, enr 914 (Chapter 221)
- HB 747-FN-A**, establishing a fund for the acquisition or care of land or easements for wildlife habitats, continually appropriating the fund, and requiring an additional fee for each hunting or fishing license to be credited to the fund. (Abbott, Rock 19; et al: Wildlife and Marine Resources)  
96, Com 275
- HB 748-FN**, clarifying the school building aid law relative to kindergarten programs. (Franks, Hills 26; et al: Education)  
96, am & Finance 205, K 615
- HB 749-FN**, requiring group I retirement system members to be incapacitated for any gainful employment before receiving accidental disability retirement benefits. (Steere, Ches 11: Executive Departments and Administration)  
96, Com 423-424
- HB 750-FN-L**, relative to municipal water systems. (Feng, Hills 23; et al: Science, Technology and Energy)  
96, Com 434

- HB 751-FN-L**, relative to spousal benefits for certain retired group II members of the retirement system. (Christie, Rock 22: Executive Departments and Administration)  
97, Com 265-266
- HB 752-FN**, relative to the commission of robbery or burglary while armed with a deadly weapon, culpability for capital murder, and the potential death sentence for first degree murder. (Feng, Hills 23; et al: Criminal Justice and Public Safety)  
97, K 420
- HB 753-FN**, relative to the board of auctioneers and the conduct of auctions. (Beaulieu, Rock 10; et al: Executive Departments and Administration)  
97, Com 266
- HB 754-FN**, relative to special gas and electric rates for customers dependent on life-support equipment. (L. Jean, Hills 17; et al: Science, Technology and Energy)  
97, Com 434
- HB 755-FN**, increasing certain OHRV registration fees and requiring the department of fish and game to file an annual report to the legislature. (M. Whalley, Merr 5; et al: Transportation)  
**new title:** relative to OHRVs and increasing certain OHRV registration fees.  
97, com changed 114, Finance 248, am 615-618, psd 622, conc S am 837, enr 880 (Chapter 268)
- HB 756-FN**, relative to the registration of alternative providers of mental health services. (Dyer, Hills 8; et al: Executive Departments and Administration)  
97, am & Finance 296, Com 599
- HB 757-FN**, relative to the applicability of the legacies and successions tax. (Lovett, Graf 6; et al: Finance)  
97, K 208
- HB 758-FN**, raising the speed limit on all New Hampshire interstate highways from 65 to 75 miles per hour and from 55 to 65 in other locations. (Vaillancourt, Hills 44; et al: Transportation)  
97, rem 258, K & protest 339
- HB 759-FN-A-L**, funding the developmental disabilities waitlist from the health care transition fund and making an appropriation therefor. (Dwyer, Hills 43; et al: Health, Human Services and Elderly Affairs)  
97, K 209
- HB 760-FN**, relative to OHRVs and OHRV registration fees. (Packard, Rock 29; et al: Transportation)  
97, am & Finance 274-275, K 599
- HB 761-FN-A**, establishing a credit against the business profits tax for businesses that provide qualified internship or apprenticeship programs. (Spear, Straf 5; et al: Finance)  
97, K 208
- HB 762-FN**, relative to the regulation of naturopathic medicine. (Emerton, Hills 7: Executive Departments and Administration)  
97, Com 266
- HB 763-FN**, prohibiting nonresidents from hunting on Sunday if the state of residence of the nonresident prohibits hunting on Sunday for New Hampshire residents. (Felch, Rock 21: Wildlife and Marine Resources)  
98, K 215
- HB 764-FN-L**, relative to a person subject to a domestic violence petition applying to purchase a handgun. (Pepino, Hills 40; et al: Criminal Justice and Public Safety)  
**new title:** relative to a person subject to a domestic violence petition applying to purchase a firearm.  
98, am 420, psd 522, S nonconc 832

- HB 765-FN**, establishing an osteoporosis prevention, education, and treatment program. (French, Merr 3; et al: Health, Human Services and Elderly Affairs)  
**new title:** establishing an osteoporosis prevention and education program.  
 98, am & Finance 321, am 599, psd 621, conc S am 837, enr 880, appointments 969 (Chapter 216)
- HB 766-FN**, forbidding the acceptance of anything of value by state officials, appointed officials, and legislative employees. (K. Rogers, Merr 22: Election Law)  
 98, K 372
- HB 767-FN**, relative to violation of court orders regarding child custody. (K. Rogers, Merr 22: Criminal Justice and Public Safety)  
 98, Com 346
- HB 768-FN**, relative to certain abortions. (K. Smith, Rock. 29: Judiciary and Family Law)  
 98, SO 518, K (RC) 534-537
- HB 769-FN**, relative to unemployment compensation. (Turner, Belk 7; et al: Labor, Industrial and Rehabilitative Services)  
 98, psd 269, 380, S conc 689, enr 693 (Chapter 40)
- HB 770-FN**, relative to blood testing in the instance of motor vehicle fatalities and other instances. (Musler, Straf 6: Criminal Justice and Public Safety)  
 rules suspended & intro 87, 98, psd 421, 522, S conc 831, enr 876 (Chapter 158)
- HB 771-FN-L**, exempting remediation waste from the hazardous waste generator fee, increasing grant awards made pursuant to the used oil collection center program and relative to the hazardous waste disposal facility siting board. (Musler, Straf 6: Environment and Agriculture)  
**new title:** relative to hazardous waste operator permit application costs, adding an exemption to the hazardous waste cleanup fund fee, increasing grant awards made pursuant to the used oil collection center program, and relative to the automotive oil fee.  
 98, am & Finance 294-295, psd 599-600, 621, S conc 831, enr am 869, enr 880 (Chapter 269)
- HB 772-FN-A**, establishing the position of industrial, commercial, and tourism agent for Coos county and making an appropriation therefor. (Guay, Coos 6: Commerce)  
 98, Com 415
- HB 773-FN**, relative to intentional interference with child custody and visitation. (J. McCarthy, Rock 24: Judiciary and Family Law)  
**new title:** relative to intentional interference with child custody and visitation and requiring expedited hearings on certain custody, visitation, and support issues.  
 98, psd 426, 522, nonconc S am, conf 871, 876, rep adop 902, enr 914 (Chapter 222)
- HB 774-FN**, relative to child support, custodial rights, and visitation. (J. McCarthy, Rock 24: Judiciary and Family Law)  
 98, Com 426
- HB 775-FN-A**, relative to the regulation of ophthalmic dispensing and making an appropriation therefor. (P. Taylor, Hills 34; et al: Executive Departments and Administration)  
 98, K 296-297, recon rej 297
- HB 776-FN**, prohibiting any person under 18 years of age from sitting in a cocktail lounge. (J. Bradley, Carr 8: Local and Regulated Revenues)  
 98, K 179
- HB 777-FN**, prohibiting a fish and game officer who makes an arrest for a fish and game violation from also being the prosecuting officer. (Dickinson, Carr 2; et al: Criminal Justice and Public Safety)  
 98, K 421
- HB 778-A**, relative to erosion prevention on a certain portion of the Connecticut River and making an appropriation therefor. (J. Pratt, Ches 2; et al: Public Works and Highways)  
 98, Com 269-270

- HB 779-FN**, proclaiming 1999 as the “year of public education” in New Hampshire and establishing the 350<sup>th</sup> anniversary of public education celebration commission. (Cushing, Rock 22; et al: Education)  
98, K 291-292
- HB 780-FN**, establishing a cattle trailer license plate for agricultural use. (Babson, Carr 5: Transportation)  
98, K 275
- HB 781-FN**, relative to lucky 7 tickets and bingo games and requiring manufacturers and distributors of bingo supplies to be licensed. (R. Kelley, Hills 18; et al: Local and Regulated Revenues)  
98, am & Finance 335-336, am 600, psd 621, nonconc S am, conf 868, 876, rep adop 902, enr 926 (Chapter 328)
- HB 782**, exempting the lists of recipients of official absentee ballots from certain public inspection access requirements. (Langley, Rock 24: Election Law)  
98, K 349
- HB 783-FN-A-L**, relative to funding vocational student organizations and making an appropriation therefor. (Searles, Hills 23; et al: Education)  
98, am & Finance 225-226, K 600
- HB 784-FN-L**, changing the age requirements for providing public education, including special education. (Kurk, Hills 5; Melcher, Hills 11: Education)  
rules suspended & intro 87, 98, Com 292
- HB 785-FN**, relative to alcohol and other drug abuse professionals. (Dyer, Hills 8; et al: Executive Departments and Administration)  
98, am & Finance 297-302, am 601, psd 621, conc S am 837, enr am 910, enr 926 (Chapter 342)
- HB 786-FN**, relative to election filing fees and primary petitions. (Laflam, Belk 2: Election Law)  
98, K 260
- HB 787-FN**, requiring the executive council to hold public hearings on judicial appointments. (Teschner, Graf 5; et al: Judiciary and Family Law)  
99, psd 426, 522, S conc 739, enr 829 (Chapter 159)
- HB 788-FN**, relative to the computation of penalties and interest in certain tax underpayment situations. (Babson, Carr 5; et al: Finance)  
99, K 601
- HB 789-FN-A**, exempting siblings from the legacies and successions tax in certain situations. (Melcher, Hills 11; et al: Finance)  
99, K 208
- HB 790-FN**, relative to the board of medicine. (A. Torr, Straf 12: Executive Departments and Administration)  
99, K 266
- HB 791-FN-A**, making an appropriation to the department of administrative services for the funding, siting, and design of the new Jaffrey-Peterborough district courthouse. (Royce, Ches 9; et al: Public Works and Highways)  
99, K 213
- HB 792-FN-L**, prohibiting trusts, annuities, and other legal devises from being used to shelter wealth for the purposes of medicaid eligibility. (Kurk, Hills 5: Health, Human Services and Elderly Affairs)  
**new title:** prohibiting trusts and other legal devices from being used to shelter wealth for the purposes of medicaid eligibility.  
rules suspended & intro 87, 99, am 321-322, psd 380, S Com 866
- HB 793**, limiting the civil liability of persons engaged in equine activities. (J. Bradley, Carr 8; et al: Judiciary and Family Law)  
rules suspended & intro 87, 99, Com 426

- HB 794-FN-L**, requiring employers who require certain employees to be armed to provide body armor to the employees. (Thomas, Belk 3: Labor, Industrial and Rehabilitative Services) 99, K 354
- HB 795-FN**, enhancing the penalties for DWI and driving after revocation and suspension and eliminating certain driver intervention programs. (Arnold, Hills 20: Criminal Justice and Public Safety) rules suspended & intro 87, 99, K 421
- HB 796-FN**, relative to lobbyist registration. (Cobbin, Graf 11: Legislative Administration) rules suspended & intro 87, 99, K 269
- HB 797**, requiring emergency vehicles to stop for school buses, and requiring the use of both audible and visual emergency signals, in certain circumstances. (Cooper, Carr 2; et al: Transportation) rules suspended & intro 87, 129, psd 364, 381, S conc 739, enr 829 (Chapter 96)
- HB 798**, relative to the bonding requirement for health clubs. (Connolly, Graf 1: Commerce) rules suspended & intro 87, 129, Com 415
- HB 799**, regulating the sale of insurance by financial institutions. (Herman, Hills 13; et al: Commerce) rules suspended & intro 87, 129, am 468-472, psd 522, conc S am 837, enr 909 (Chapter 223)
- HB 800**, redistricting the executive council districts. (Avery, Ches 8; et al: Election Law) 135, K 206
- HB 801-FN-L**, changing the interest rate on delinquent property taxes and subsequent taxes. (Daniels, Hills 13: Local and Regulated Revenues) 135, K 359
- HB 802**, relative to judgments on past due rent and judgments for eviction. (Gagnon, Hills 48; et al: Judiciary and Family Law) 135, Com 426
- HB 803-FN-L**, relative to property valuation for purposes of payment of tax on a change of use under the current use laws. (Thulander, Hills 6: Environment and Agriculture) 135, K 349
- HB 804**, relative to the definition of "communication services" for the purposes of the communications services tax. (Carson, Rock 29: Finance) 135, Com 353
- HB 805**, relative to homestead rights and revocable trusts. (Mittelman, Hills 37; et al: Judiciary and Family Law) 135, am 426-427, psd 522, S conc 739, enr 829 (Chapter 97)
- HB 806-FN-L**, relative to the business finance authority. (Carson, Rock 29: Commerce) 136, Exec Depts 259, am 575-576, psd 592, nonconc S am, conf 837, 876, 877, rep adop 902, enr am 917, enr 917 (Chapter 329)
- HB 807-FN**, relative to the Littleton employment security district office. (Connolly, Graf 1: Labor, Industrial and Rehabilitative Services) 136, K 269
- HB 808**, changing the optional term of the school district clerk, moderator, and treasurer. (Daniels, Hills 13: Education)  
**new title:** changing the optional term of the school district clerk, moderator, and treasurer and legalizing the annual meeting of the Newmarket school district. 136, psd 346, 381, nonconc S am, conf 868, 876, rep adop 902, enr 909 (Chapter 176)
- HB 809**, establishing a committee to study the feasibility of bringing the New England Patriots to New Hampshire. (Hurt, Belk 4; et al: Commerce) 195, psd 416, 521, S conc 709, enr 739, appointments 967 (Chapter 73)
- HB 810-FN-A**, appropriating certain funds from the highway surplus account to the department of transportation. (G. Chandler, Carr 1; et al: Finance) 573, rules suspended 592, 621, am 634, psd 689, S conc & enr 739 (Chapter 74)

**HB 811**, legalizing, ratifying, and confirming actions, votes, and proceedings of the annual meetings of the North Walpole village district and the town of Bartlett. (McGuirk, Ches 1; et al: Municipal and County Government)

**new title:** legalizing, ratifying, and confirming actions, votes, and proceedings of the annual meetings of the North Walpole village district and the town of Bartlett and authorizing the coordination of elections for the town of Bedford with the Bedford school district.

**2<sup>nd</sup> new title:** legalizing, ratifying, and confirming actions, votes, and proceedings of the annual meetings of the North Walpole village district and the town of Bartlett and relative to authorizing the coordination of certain town and school district elections.

716, rules suspended 758, psd 778, 829, nonconc S am, conf 871, 876, rep adop 902, enr am 917, enr 926 (Chapter 330)

**HB 812**, relative to the Melendy Pond Authority of Brookline, New Hampshire. (Arnold, Hills 20; et al: Municipal and County Government)

736-737, rules suspended 758, Com 778

## 1997 SESSION

### HOUSE JOINT RESOLUTIONS

**HJR 1**, urging the preservation and continued development of community services to people with developmental disabilities and their families. (Wallner, Merr 24; et al: Health, Human Services and Elderly Affairs)

70, Finance 209, psd 578, 592, nonconc S am, conf 871, 876, rep adop 902, enr 914 (Chapter 235)

**HJR 2**, urging the members of Congress to support and pass the Family Forestland Preservation Tax Act. (Schothanus, Sull 3; et al: State-Federal Relations and Veterans Affairs)

70, SO 521, psd 562, 571, conc S am 762, enr 876 (Chapter 160)

**HJR 3**, requiring the attorney general to bring suit against the United States Government for violating the United States Constitution and the New Hampshire constitution by enacting a military firearms ban. (Mirski, Graf 12; et al: State-Federal Relations and Veterans Affairs)

70, Com 182

**HJR 4**, urging the United States Congress and the Federal Energy Regulatory Commission to cooperate with state plans to restructure the electric utility industry. (MacGillivray, Hills 21; et al: State-Federal Relations and Veterans Affairs)

96, com changed 114, am 434-435, psd 522, S conc 716, enr 739 (Chapter 75)

**HJR 5**, urging the United States Congress and the United States Environmental Protection Agency to make certain changes in the Clean Air Act which would result in more cost effective air pollutant emission reductions. (MacGillivray, Hills 21; et al: State-Federal Relations and Veterans Affairs)

rules suspended & intro 87, 97, com changed 114, am 435-436, psd 522, S conc 716, enr 829 (Chapter 98)

**HJR 6**, requiring the joint legislative historical committee to acquire and cause to be displayed a portrait of suffragist Marilla Marks Ricker. (Cushing, Rock 22; et al: Legislative Administration)

**new title:** authorizing the joint legislative historical committee to acquire and cause to be displayed a portrait of suffragist Marilla Marks Ricker.

97, Finance 334-335, am 601, psd 621, S conc 831, enr 880 (Chapter 180)

**HJR 7**, urging the United States Congress and the Veterans Administration to maintain adequate health care services for New Hampshire veterans. (Root, Graf 8; et al: State-Federal Relations and Veterans Affairs)

198, psd 437, 522, S conc 716, enr 717 (Chapter 46)

## 1997 SESSION

## HOUSE CONCURRENT RESOLUTIONS

- HCR 1**, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes. (Noyes, Rock 26; et al: State-Federal Relations and Veterans Affairs)  
53, K 181
- HCR 2**, urging all school districts in the state of New Hampshire to implement peer mediation programs. (Copenhaver, Graf 10; et al: Education)  
**new title:** encouraging all school districts in the state of New Hampshire to implement peer mediation programs.  
54, am 226, adop 257, conc S am 837
- HCR 3**, urging the United States Congress to propose and support legislation overturning a U.S. Appeals Court decision limiting credit union membership. (Hemon, Straf 11: State-Federal Relations and Veterans Affairs)  
57, K 120-121
- HCR 4**, petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to establish a mechanism for nullification of federal laws and regulations when the states determine that such laws or regulations exceed the authority of the federal government under the Constitution of the United States. (Root, Graf 8; et al: State-Federal Relations and Veterans Affairs)  
64, K 147
- HCR 5**, petitioning the Congress of the United States to enact legislation that requires Congress to specify the constitutional authority for the enactment of law and that prohibits agency rules or regulations from preempting or otherwise interfering with state or local powers without express statutory authority. (Root, Graf 8; et al: State-Federal Relations and Veterans Affairs)  
64, K 181
- HCR 6**, petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to provide the states a method of offering amendments to the Constitution of the United States. (Root, Graf 8; et al: State-Federal Relations and Veterans Affairs)  
64, K 147
- HCR 7**, petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to prohibit the federal government from imposing regulatory mandates, unfunded mandates, and spending conditions, which conditions are unrelated to the actual expenditures of funds allocated by Congress. (Root, Graf 8; et al: State-Federal Relations and Veterans Affairs)  
65, Com 147
- HCR 8**, urging Congressional delegates to propose Congressional term limits. (Murch, Hills 31; et al: State-Federal Relations and Veterans Affairs)  
65, K 182
- HCR 9**, urging the governor and general court to take action to bring about property tax relief. (French, Merr 3; et al: Local and Regulated Revenues)  
69, adop 180, 196, S nonconc 739
- HCR 10**, urging recognition of the contributions made by the Irish potato famine immigrants and observation of the 150<sup>th</sup> anniversary of the Great Hunger. (Cushing, Rock 22; et al: Education)  
69, rem 172, SO 194, adop (RC) 201-203, 256, S conc 716
- HCR 11**, relative to the preservation and revitalization of New Hampshire's rail-based corridors of commerce. (G. Katsakiores, Rock 13; et al: Transportation)  
69, rem 384, SO 521, am 570-571, adop 571, S conc 709
- HCR 12**, urging ratification of the Convention for the Elimination of All Forms of Discrimination Against Women. (M. Fuller Clark, Rock 36; et al: State-Federal Relations and Veterans Affairs)  
96, SO 521, Com 562

**1997 SESSION**  
**HOUSE RESOLUTIONS**

- HR 1**, adopting the 1996 session house rules, subject to amendments, and fixing January 30, 1997, as the date through which the house rules may be amended by majority vote. (Wheeler, Hills 7, et al)  
intro & am 11-12, adop 14, am 24-39, am & recon (3 RCs) 78-87, am 200-201, 709-710, 896-897
- HR 2**, providing for the appointment of a committee to assign seats to house members. (Carson, Rock 29, et al)  
intro & adop and members appointed 12, 14
- HR 3**, providing for a committee to recommend a house chaplain in the 1997 session. (Daniels, Hills 13, et al).  
intro & adop and members appointed 12, 14, selection 71
- HR 4**, providing for the taping and correction of the house permanent journal. (Dunn, Merr 24, et al)  
intro & adop 13, 14
- HR 5**, authorizing the house speaker to employ necessary personnel. (Burnham, Ches 8, et al)  
intro & adop 13, 14
- HR 6**, providing for the distribution of certain legislative publications. (Hall, Hills 20, et al)  
intro & adop 13, 14
- HR 7**, providing the time of payment for salary and mileage payments to house members. (Arnold, Hills 20, et al)  
intro & adop 13, 14
- HR 8**, allowing the speaker to cancel meetings of the house in case of severe weather. (Guay, Coos 6, et al)  
intro & adop 13, 14
- HR 9**, urging local school districts to require interaction between educationally disabled pupils and nondisabled pupils for academic credit. (Leonard, Hills 39: Education)  
51, K 116
- HR 10**, requesting that certain media entities refrain from prematurely proclaiming the winners in state and federal elections. (Pepino, Hills 40: Election Law)  
53, am 175, adop 196
- HR 11**, urging the state conservation tree-planting program to utilize members of youth groups to plant trees. (Leonard, Hills 39: Resources, Recreation and Development)  
57, K 120
- HR 12**, urging that impeachment proceedings be instituted posthumously against the late John C. Fairbanks. (Cobbin, Graf 11; et al: Judiciary and Family Law)  
65, rem 204, K 256
- HR 13**, recognizing Bob Dole's many years of public service and dedication to our country. (Vaillancourt, Hills 44: State-Federal Relations and Veterans Affairs)  
65, rem 384, SO 521, K (RC) 568-570
- HR 14**, exempting the house committee to study the investigation of the late Judge Fairbanks from the December 13, 1996 deadline for filing legislation. (Jacobson, Merr 2: Rules)  
70, K 161
- HR 15**, urging that there be statewide access to Channel 9 (WMUR) as the official disaster reporting station for New Hampshire. (L. Pratt, Coos 4; et al: State-Federal Relations and Veterans Affairs)  
70, K 182
- HR 16**, urging that impeachment proceedings be instituted against Strafford county probate court judge Gary R. Cassavechia. (Hemon, Straf 11; et al: Judiciary and Family Law)  
89, SO 521, K & protests 532-534
- HR 17**, relative to certain historical theaters in New Hampshire. (Leonard, Hills 39: Resources, Recreation and Development)  
97, am 376, adop 381

- HR 18**, memorializing former United States Senator Paul E. Tsongas. (Burling, Sull 1, et al) intro & adop 71-72
- HR 19**, affirming unrestricted revenue estimates for fiscal years 1998 and 1999. (Kurk, Hills 5; Weyler, Rock 18: Finance) 136, adop & LT 137-138, am & LT 657-658, 863-864, Clerk's note 963
- HR 20**, requesting an opinion of the justices concerning the constitutionality of HB 198-LOCAL, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction. (Hess, Merr 11; et al) rules suspended & intro 489, adop 591, 592, S Ct opin printed 955-958
- HR 21**, memorializing State Representative Richard H. Krueger of Claremont. intro & adop & remarks 593-594, 622
- HR 22**, memorializing State Representative Beverly A. Gage of Salem. intro & adop & remarks 694, 706

## 1997 SESSION

### SENATE BILLS

- SB 1**, relative to exclusive arrangements with managed care insurers. (Commerce) 572, Com 740
- SB 4**, relative to patient information. (Health, Human Services and Elderly Affairs) 169, am 601-602, psd 621, S nonconc, conf 761, rep adop 880-881, enr am 917, enr 926 (Chapter 331)
- SB 5**, relative to deposits and investments by trustees of town trust funds in credit unions and in mutual funds. (Municipal and County Government) 169, am 710-711, psd 713, S conc 761, enr am 876, enr 880 (Chapter 181)
- SB 6**, relative to real estate appraisers. (Executive Departments and Administration) 623, am 740-742, psd 758, S conc 831, enr am 912, enr 926 (Chapter 299)
- SB 10**, relative to funds for prearranged funerals or burial plans. (Commerce) 169, Com 702
- SB 12**, establishing a Northern New England Interstate Commission on Economic Development. (Commerce) 169, psd 764, 828, enr 880 (Chapter 270)
- SB 13**, relative to continuing education for claims adjusters. (Labor, Industrial and Rehabilitative Services) 169, K 745
- SB 16**, relative to drinking water rules for public water systems. (Resources, Recreation and Development) 168, am 746, psd 758, S conc 761, enr am 838, enr 880 (Chapter 271)
- SB 17**, restricting check collection charges by creditors and debt collectors. (Commerce) 169, am 740, psd 758, S conc 761, enr 876 (Chapter 161)
- SB 18**, relative to the sale of certain items at flea markets. (Commerce) 169, am 747-748, psd 758 S nonconc, conf 871, 877, rep adop 881, enr 926 (Chapter 224)
- SB 19**, establishing a committee to study the environmental impact of businesses extracting water from the state's resources for sale. (Resources, Recreation and Development) 168, am 750, psd 759, S conc 761, enr 880, appointments 967 (Chapter 272)
- SB 20**, establishing a committee to study presumptive sentencing. (Corrections and Criminal Justice) 572, K 695
- SB 21**, excepting persons who are 17 years old and graduated from high school from the youth employment law. (Labor, Industrial and Rehabilitative Services)
- new title:** excepting persons who are 17 years old and graduated from high school from the youth employment law and establishing a committee to study the youth employment law. 169, am 722-733, psd 736, S nonconc, conf 866, rep adop 881, enr 914, appointments 967 (Chapter 300)

- SB 22**, relative to health benefit plans sponsored by qualified franchise associations. (Commerce)  
168, K 764
- SB 24**, relative to prescriptions for certain controlled drugs. (Health, Human Services and Elderly Affairs)  
169, psd 618, 622, enr 690 (Chapter 30)
- SB 25**, establishing employer immunity from civil liability for good faith disclosure of information regarding current and former employees to prospective employers. (Judiciary and Family Law)  
572, rem 694, rcmt 705, Com 797
- SB 26**, preventing recovery by a nonsupporting parent in a wrongful death claim or action on behalf of the nonsupported child until child support arrearages are paid in full. (Judiciary and Family Law)  
169, Com 697
- SB 27**, allowing municipalities to take inventories of property as often as state law allows property tax bills to be issued. (Local and Regulated Revenues)  
169, K 697
- SB 29**, establishing a pet overpopulation trust. (Environment and Agriculture)  
**new title:** establishing the companion animal neutering fund.  
169, am & Finance 724-725, psd 771, 828, S conc 831, enr am & enr 926 (Chapter 332)
- SB 30**, relative to time of dog licensure. (Municipal and County Government)  
168, com changed 380, psd 719, 736, enr am 838, enr 914 (Chapter 273)
- SB 31**, relative to rabies certificates. (Environment and Agriculture)  
169, psd 719, 736, enr 870 (Chapter 162)
- SB 32**, relative to dogs at large. (Municipal and County Government)  
168, com changed 380, rcmt 725, K 795
- SB 34**, repealing laws relative to abortion. (Judiciary and Family Law)  
623, psd (2 RCs) 725-732, 736, enr 829 (Chapter 99)
- SB 35**, including "accessibility lift" within the definition of "elevator". (Health, Human Services and Elderly Affairs)  
**new title:** extending the elevator law to accessibility lifts.  
169, rem 694, rcmt 705, am 773-775, psd 829, S nonconc, conf 872, rep adop 881, enr am 917, enr 926 (Chapter 333)
- SB 36**, relative to incarcerated convicted persons receiving workers' compensation payments. (Labor, Industrial and Rehabilitative Services)  
623, am 745-746, psd 758, S nonconc, conf 872, 877, rep adop 886, enr 914 (Chapter 225)
- SB 37**, relative to line items at town and school district meetings. (Municipal and County Government)  
623, rem 718, K 732-733
- SB 38**, relative to certain activities under the workers' compensation law. (Labor, Industrial and Rehabilitative Services)  
572, am 723, psd 736, S conc 761, enr 876 (Chapter 163)
- SB 39**, relative to the delivery of bank products and services. (Commerce)  
**new title:** relative to the delivery of bank products and services, and establishing a study committee on operation of electronic customer service terminals by non-banks and non-credit unions.  
169, am 778-779, psd 829, S conc 831, enr am 879, enr 914, appointments 967 (Chapter 301)
- SB 40**, relative to the payment of wages by employers. (Labor, Industrial and Rehabilitative Services)  
**new title:** relative to the payment of wages by employers and increasing the minimum hourly rate.  
572, am (RC) & protest 797-802, recon rej 828, psd 829, S nonconc, conf 873, rep adop (RC) 886-889, enr 914 (Chapter 226)
- SB 41**, relative to the time for filing requests for a hearing with the department of labor concerning violations of the whistleblower protection act. (Labor, Industrial and Rehabilitative Services).

**new title:** relative to the time for filing requests for a hearing with the department of labor concerning violations of the whistleblowers' protection act.

168, am 749-750, psd 759, S conc 831, enr am 876, enr 880, S sustained veto 961

**SB 42**, relative to the authority of the labor commissioner to revoke the license of an employee leasing company for violations of the labor laws. (Labor, Industrial and Rehabilitative Services)  
168, Com 776

**SB 44**, establishing a committee to study the building of a state-owned liquor store in the city of Keene. (Local and Regulated Revenues)

169, psd 746, 758, enr 829, appointments 967 (Chapter 164)

**SB 47-FN**, continuing the marital guardian ad litem recovery program in the unit of cost containment, office of the commissioner of administrative services. (Judiciary and Family Law)  
623, Finance 697, psd 745, 758, enr 876 (Chapter 173)

**SB 48-FN**, to provide an optional retirement program for certain employees of the department of regional community-technical colleges. (Executive Departments and Administration)

169, K 703-704

**SB 49-FN**, clarifying certain procedures under the lead paint law. (Health, Human Services and Elderly Affairs)

195, am 696-697, psd 705, S conc 717, enr 876 (Chapter 165)

**SB 53-FN**, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement. (Executive Departments and Administration)

623, Com 725

**SB 54-FN**, relative to gainful occupation of disability beneficiaries in the New Hampshire retirement system. (Executive Departments and Administration)

**new title:** relative to earnable compensation after termination, creditable service for job-sharing teachers, and gainful occupation of disability beneficiaries in the New Hampshire retirement system.

707, am & Finance 743-744, am 771, psd 828, S conc 831, enr 880 (Chapter 274)

**SB 56-FN-L**, establishing a method for repurchase of tax-deeded property by the former owner of the property and limiting the recovery by municipalities of proceeds from sales of tax-deeded property. (Municipal and County Government)

572, Com 698

**SB 60-FN**, excluding claims against New Hampshire hospital which are under \$500 from the jurisdiction of the state board of claims. (Executive Departments and Administration)

**new title:** excluding claims against New Hampshire hospital which are under \$500 from the jurisdiction of the state board of claims, and establishing a legislative oversight committee.

169, am 719-720, psd 736, S conc 739, enr 876, appointments 971 (Chapter 166)

**SB 62**, authorizing the governing bodies of towns which have not adopted the official ballot referendum form of meeting, but which are in school districts which have adopted the official ballot referendum form of meeting, to move the election day of the 1997 and 1998 annual meetings of those towns to April 8, 1997, and April 14, 1998, respectively. (Municipal and County Government)

90, rem 718, Com (RC) 733-735

**SB 63-FN**, relative to access to motor vehicle records. (Transportation)

169, K (RC) 751-757, IP 757

**SB 64-FN-A**, exempting motor fuel used for automobile racing from road toll taxation. (Public Works and Highways)

169, am & Finance 699, psd 745, 758, S conc 761, enr 880 (Chapter 275)

**SB 66**, allowing a state resident to obtain a license for a pistol or revolver for life. (Criminal Justice and Public Safety)

382, Com 718

- SB 68-FN-L**, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty. (Executive Departments and Administration)  
707, rules suspended 717, Com 771
- SB 70**, establishing a committee to examine campaign finance reform. (Election Law)  
169, am 770, psd 828, S conc 831, enr 880, appointments 967 (Chapter 276)
- SB 71-FN**, establishing a committee to identify and study statutes and ordinances in cases in which the penalty is not specified by statutes and clarifying the right to a jury trial in cases in which a civil penalty is imposed for a violation. (Criminal Justice and Public Safety)  
623, am 770, psd 828, S conc 831, enr 880, appointments 967 (Chapter 277)
- SB 72**, relative to the New Hampshire life and health guaranty association, changing the order of distribution for policy holders and claimants in the case of insurer insolvency and repealing the law relative to the interstate insurance receivership compact. (Commerce)  
**new title:** relative to the New Hampshire life and health guaranty association and repealing the law relative to the interstate insurance receivership compact.  
169, am 695, psd 705, S conc 717, enr 876 (Chapter 167)
- SB 74-FN**, allowing holders of retail wine and combination wine and beverage licenses to sell fortified wines. (Local and Regulated Revenues)  
572, K 697
- SB 75-FN**, regulating beer festivals and requiring beer festival promoters to obtain a single event license for a fee from the liquor commission to hold a beer festival. (Local and Regulated Revenues)  
382, am & Finance 698, psd 745, 758, S conc 761, enr 876 (Chapter 123)
- SB 76-L**, limiting the liability of school districts operating facilities for skateboarding, rollerblading or rollerskiing. (Judiciary and Family Law)  
169, psd 697, 705, enr 737 (Chapter 62)
- SB 79**, prohibiting the sale of gift certificates containing an expiration date, relative to unclaimed and abandoned property, and relative to liens on personal property. (Commerce)  
**new title:** prohibiting the sale of certain gift certificates containing an expiration date, relative to unclaimed and abandoned property, and relative to liens on personal property.  
572, am & Finance 779-781, am 840, psd 865, S nonconc, conf 873, rep adop 881-882, enr am 912, enr 926 (Chapter 302)
- SB 80-FN-A**, excluding certain transfers from payment of the real estate transfer tax. (Finance)  
382, Com 745
- SB 81**, relative to the administration of estates. (Judiciary and Family Law)  
572, psd 697, 705, enr 709 (Chapter 45)
- SB 82**, relative to determination of reasonable compensation for certain trustees. (Commerce)  
623, psd 740, 758, enr am 838, enr 914, appointments 967 (Chapter 278)
- SB 84**, revising the uniform simultaneous death act. (Judiciary and Family Law)  
572, Com 721
- SB 85**, making technical changes in laws relative to the probate courts. (Judiciary and Family Law)  
572, psd 712, 713, enr 829 (Chapter 100)
- SB 86-FN**, requiring the division of motor vehicles to report those in default to a consumer reporting agency. (Transportation)  
169, K 701
- SB 87**, relative to permissible agreements between beverage manufacturers and vendors and beverage wholesale distributors. (Local and Regulated Revenues)  
169, psd 698, 705, enr 717 (Chapter 63)
- SB 90-FN**, requiring all proposed legislation affecting independently owned small businesses to include an analysis of the cost of the legislation. (Legislative Administration)  
169, am & Finance 704, K 796

- SB 93**, relative to employees of employers who hire recipients of state assistance under the employment assistance program. (Health, Human Services and Elderly Affairs)  
623, com changed 626, am & Finance 776, rem 838, am 862-863, psd 865, S conc 878, enr 914 (Chapter 279)
- SB 94-L**, relative to the financing of the New Hampshire civic center commission. (Finance)  
**new title:** repealing the New Hampshire civic center commission.  
170, com changed 383, am 748, psd 758, S nonconc, conf 873, rep adop 882, enr 914 (Chapter 227)
- SB 96-FN**, relative to the priority of charges in probate of estates. (Judiciary and Family Law)  
572, Com 721
- SB 97-L**, relative to polling hours. (Election Law)  
170, K 795
- SB 98-FN**, relative to the submission of youth employment certificates to employers. (Labor, Industrial and Rehabilitative Services)  
170, am 746, psd 758, S conc 831, enr 876 (Chapter 124)
- SB 100-FN**, establishing a New Hampshire film and television commission. (Commerce)  
382, Com 765
- SB 101**, requiring certain hospitals to file certain forms with the director of charitable trusts. (Commerce)  
**new title:** relative to standards for acquisition transactions involving health care charitable trusts.  
572, am 781-783, psd 829, S conc 831, enr 880 (Chapter 280)
- SB 102-FN**, relative to the possession of certain weapons in the commission of a violent crime. (Criminal Justice and Public Safety)  
623, Com 770
- SB 103**, establishing a committee to study issues relating to the licensing of child day care centers. (Health, Human Services and Elderly Affairs)  
170, psd 697, 705, enr 717, appointments 968 (Chapter 64)
- SB 104**, relative to rate setting for purposes of automobile insurance and homeowners insurance. (Commerce)  
623, am 765, psd 828, S conc 831, enr 876 (Chapter 174)
- SB 105**, relative to rent collection upon delinquency in payment of common expenses by condominium unit owners. (Commerce)  
572, am 765-766, psd 828, S conc 865, enr am 909, enr 914 (Chapter 228)
- SB 106-FN**, establishing a committee to study the regulation of gas burner technicians and oil burner technicians. (Executive Departments and Administration)  
572, K 720
- SB 107**, giving the deputy legislative budget assistant the authority to perform the duties of the legislative budget assistant under certain circumstances. (Finance)  
57, rules suspended & psd 77, 90, enr 112 (Chapter 1)
- SB 108-L**, authorizing school boards of multi-town school districts which have adopted the official ballot referendum form of meeting to establish polling places in addition to the districts' central polling places for the 1997 and 1998 annual meetings. (Municipal and County Government)  
90, am (RC) 126-129, psd 130, S conc & enr 136 (Chapter 3)
- SB 109**, relative to the official ballot voting option. (Municipal and County Government)  
572, am 808-815, psd 829, S nonconc, conf 832, 877, rep adop (RC) 889-892, enr 914 (Chapter 318)
- SB 110-L**, allowing the Coos county convention to revise the compensation of the county sheriff. (Municipal and County Government)  
170, psd 698, 705, enr 717 (Chapter 65)

- SB 112**, establishing a commission on environmental programs. (State-Federal Relations and Veterans Affairs)  
572, K & remarks 750-751
- SB 113**, establishing a committee to study health care issues related to individuals who are underinsured or without insurance. (Commerce)  
690, rem 739, rcmt 757, K 783
- SB 115-L**, establishing a committee to study issues relating to the withdrawal of a receiving district from an area school district. (Education)  
170, am 695, psd 705, S conc 739, enr 876, appointments 968 (Chapter 125)
- SB 116-FN**, relative to the regulation of rural electric cooperatives by the public utilities commission. (Science, Technology and Energy)  
170, am 825-826, psd 829, S conc 831, enr am 879, enr 914 (Chapter 229)
- SB 119**, prohibiting a person convicted of any sexual offense, felony, or DWI offense from obtaining a waiver to remove the person's driver's license image from department of safety records. (Transportation)  
572, psd 701, 706, enr 717 (Chapter 66)
- SB 121**, authorizing state-chartered financial institutions to engage in certain insurance activities. (Commerce)  
170, K 766
- SB 122**, establishing a commission to examine the effects of the managed care industry on those belonging to the disabled and the mental health communities. (Commerce)  
**new title:** establishing a committee to study health care issues related to managed care.  
**2<sup>nd</sup> new title:** establishing a committee to identify grievance procedures related to managed care.  
624, am 766-767, psd 828, S nonconc, conf 872, rep adop 882-883, enr am 911, enr 914, appointments 968 (Chapter 230)
- SB 123**, relative to shellfish harvesting areas. (Wildlife and Marine Resources)  
170, rem 595, rcmt 620-621, psd 711, 713, enr 829 (Chapter 126)
- SB 124**, relative to the imposition of fines by the state board of licensure for land surveyors. (Executive Departments and Administration)  
572, am 744, psd 758, S conc 831, enr 880 (Chapter 303)
- SB 125**, relative to the right of entry upon lands for surveying. (Judiciary and Family Law)  
572, K 710
- SB 128**, increasing the membership of the university system study committee. (Education)  
170, K 702
- SB 129**, relative to manufactured housing deeds. (Commerce)  
170, psd 740, 758, enr 876 (Chapter 127)
- SB 130**, relative to the portability, availability, and renewability of health coverage. (Commerce)  
623, am 783-784, psd 829, S conc 831, enr am & enr 926 (Chapter 344)
- SB 131-FN**, allowing certain state employees to take paid leave to participate in disaster relief service work. (Executive Departments and Administration)  
572, Com 720
- SB 133**, relative to the task force on perinatal chemical dependency. (Health, Human Services and Elderly Affairs)  
170, psd 602, 621, enr 690, appointments 969-970 (Chapter 20)
- SB 134**, establishing a committee to study the certificate of need board and RSA 151-C. (Health, Human Services and Elderly Affairs)  
170, K 710
- SB 135**, adopting the uniform "transfer on death" security registration act. (Commerce)  
170, am 767-768, psd 828, S conc 831, enr am 879, enr 914 (Chapter 231)

- SB 138**, establishing teacher appreciation day. (Education)  
170, am 696, psd 705, S conc 739, enr 876 (Chapter 168)
- SB 139**, authorizing banks to invest trust funds in bank-affiliated investments. (Commerce)  
170, rem 740, rcmt 757, am 768-769, psd 828, S conc 831, enr 876 (Chapter 175)
- SB 143**, authorizing a municipality to change the date for filing for an elderly exemption. (Local and Regulated Revenues)  
572, psd 750, 759, enr am 838, enr 880 (Chapter 281)
- SB 144**, establishing a committee to study certain issues regarding Silver Lake in the towns of Belmont and Tilton. (Resources, Recreation and Development)  
382, am 700-701, psd 706, S conc & enr 717, appointments 968 (Chapter 67)
- SB 145-L**, relative to the definition of "open space land" for purposes of current use taxation. (Environment and Agriculture)  
170, Com 770
- SB 146**, establishing a committee to study the issue of reducing the number of years of service required to be vested in the retirement system plan from 10 years to 5 years. (Executive Departments and Administration)  
170, psd 720, 736, enr 829, appointments 968 (Chapter 169)
- SB 149**, prohibiting state agencies managing federal programs from exceeding their statutory authority in placing restrictions on activities of the private sector. (Executive Departments and Administration)  
**new title:** relative to the requirements that state agencies administering federal programs may impose on activities of the private sector.  
623, rules suspended 718, rem 764, am 827-828, psd 829, S nonconc, conf 872, rep adop 883, enr 914, S sustained veto 961
- SB 151**, relative to final orders on appeals of decisions of zoning boards of adjustment. (Municipal and County Government)  
572, K 711
- SB 152**, establishing a committee to study issues related to allowing the city of Manchester to adopt a 2-year budget cycle. (Municipal and County Government)  
170, psd 698, 706, enr 737, appointments 968 (Chapter 68)
- SB 153**, requiring a check-off box on a driver's license application form relative to having the social security number indicated on the driver's license. (Transportation)  
170, rem 695, rcmt 705, am 746-747, psd 758, S nonconc, conf 832, rep adop (unable to agree) 892
- SB 154**, relative to charter schools. (Education)  
170, am 785-789, psd 829, S nonconc, conf 872, rep adop 892-893, enr 926 (Chapter 334)
- SB 155**, requiring the division of educational improvement, department of education, to prepare and adopt a plan for providing special education to inmates in the state prison system and county correctional facilities. (Education)  
170, am & Finance 702-703, rules suspended 758, psd 838, 865, S conc 865, enr 914 (Chapter 232)
- SB 156**, establishing a committee to study issues relating to providing special education services to eligible pupils who are incarcerated in the state prison system and county correctional facilities. (Education)  
170, psd 703, 706, enr 717, appointments 968 (Chapter 69)
- SB 157**, adding the name of Martin Luther King, Jr. to Civil Rights Day. (Executive Departments and Administration)  
168, SO 482, IP (3 RCs) 502-511
- SB 158-FN-A**, relative to the funding of beach erosion control projects along the south side of the Hampton Harbor Inlet. (Public Works and Highways)  
170, Com 699

- SB 159-FN**, establishing a committee to study increased public access to data concerning physicians and persons certified or registered under RSA 330-A. (Health, Human Services and Elderly Affairs)  
**new title:** establishing a committee to study increased public access to data concerning physicians and surgeons licensed under RSA 329.  
 624, am 721, psd 736, S nonconc, conf 872, rep adop 893, enr 914, appointments 968 (Chapter 233)
- SB 161-FN-A**, relative to the Seacoast Science Center and making an appropriation therefor. (Resources, Recreation and Development)  
 382, Com 701
- SB 162-FN-A-L**, relative to the acquisition of a certain piece of property in Piermont, New Hampshire and making an appropriation therefor. (Public Works and Highways)  
 623, rules suspended 718, am & Finance (2 RCs) 815-822, am (RC) 840-844, psd 865, S conc 866, enr am 879, enr 926 (Chapter 335)
- SB 163**, relative to the Uniform Anatomical Gift Act. (Health, Human Services and Elderly Affairs)  
 170, am 602-603, psd 621, S nonconc, conf 866, rep adop 883-884, enr 926 (Chapter 336)
- SB 164**, establishing a committee to study the establishment of a registry for intellectual property. (Commerce)  
 170, psd 710, 713, enr 739, appointments 968 (Chapter 76)
- SB 165**, relative to Medicare and health maintenance organizations and small employer and individual insurance. (Commerce)  
**new title:** relative to Medicare and health maintenance organizations and relative to the disclosure by insurers of test results for the presence of an antibody or antigen to a human immunodeficiency virus.  
 170, rules suspended 784, am 784-785, psd 829, S conc 831, enr am 909, enr 914 (Chapter 282)
- SB 167**, relative to the regulation of naturopathic practitioners. (Executive Departments and Administration)  
 624, am 720-721, psd 736, S conc 739, enr 829 (Chapter 170)
- SB 168-A**, requiring the department of corrections to prepare and enter into a lease-purchase agreement with the Berlin Economic Development Council for a medium security correctional facility to be constructed in Berlin and making an appropriation therefor. (Public Works and Highways)  
 707, rules suspended 718, Com (RC) 822-825
- SB 169-FN**, relative to a college tuition savings plan. (Education)  
 623, am & Finance 724, am 844-845, psd 865, S conc 866, enr am 910, enr 914, appointments 971 (Chapter 304)
- SB 172**, making various changes to the workers' compensation law. (Labor, Industrial and Rehabilitative Services)  
 707, rules suspended 718, am & Finance 776-778, psd 838, 865, S nonconc, conf 873, 878, rep adop 894, enr 926 (Chapter 343)
- SB 173-FN**, relative to license and registration suspensions. (Transportation)  
 624, K 724
- SB 175**, establishing a committee on the feasibility of installing rumble strips before toll booths. (Public Works and Highways)  
 170, K 699
- SB 176-FN**, relative to late payment of the legacies and successions tax. (Finance)  
 623, psd 745, 758, enr 876 (Chapter 128)
- SB 177-FN**, relative to the liability of prospective adoptive parents for court ordered services. (Judiciary and Family Law)  
 624, Finance 732, am 796-797, psd 829, S conc 831, enr am 913, enr 926 (Chapter 305)
- SB 178-FN**, regulating managed care systems of health care delivery. (Commerce)  
 624, am 769, psd 828, S conc 831, enr am 911, enr 926 (Chapter 345)

- SB 179-FN-L**, establishing a committee to study creating a New Hampshire local government records management improvement fund. (Municipal and County Government)  
572, Com 723
- SB 180-FN-A**, relative to the maintenance, enhancement, and rehabilitation of local rural airport service and making an appropriation therefor. (Transportation)  
**new title:** relative to establishing a revolving fund for loans for the maintenance, enhancement, and rehabilitation of local rural airport service.  
623, rem 718, am & Finance 735-736, am 845-846, psd 865, S conc 866, enr 914 (Chapter 306)
- SB 181-FN**, allowing certain prisoners to earn good conduct credits reducing such person's minimum sentence and establishing a committee to study permitting certain prisoners to be sentenced to substance abuse treatment centers. (Criminal Justice and Public Safety)  
707, rem 764, K 826-827
- SB 182-FN**, relative to the administration, operation, and maintenance of the New Hampshire state veterans cemetery. (Public Works and Highways)  
**new title:** relative to the administration, operation, and maintenance of the New Hampshire state veterans' cemetery, extending the reporting dates and the prospective repeal date for the state veterans cemetery oversight committee, and making an appropriation therefor.  
**2<sup>nd</sup> new title:** relative to the administration, operation, and maintenance of the New Hampshire state veterans cemetery, extending the reporting dates and the prospective repeal date for the state veterans cemetery oversight committee, and making appropriations therefor.  
196, am & Finance 699-700, am 771-772, psd 828, S nonconc, conf 872, , rep adop 884-885, enr 912 (Chapter 182)
- SB 183-FN**, relative to liquor licenses for a sports/entertainment complex. (Local and Regulated Revenues)  
170, am & Finance 698, psd 745, 758, S nonconc, conf 872, rep adop 894, enr am 918, enr 926 (Chapter 307)
- SB 187**, relative to the penalties for certain court defaults. (Transportation)  
573, Com 701
- SB 189-FN-L**, authorizing the department of safety to issue resident driver's licenses to certain aliens. (Transportation)  
**new title:** authorizing the department of safety to issue driver's licenses to certain aliens.  
572, am 701-702, psd 706, S nonconc, conf 761, rep adop 885, enr 914 (Chapter 234)
- SB 190**, exempting insurance companies newly located in New Hampshire from having to make payments to the administration fund during their first 3 years in the state and relative to investments by insurance companies in mutual funds. (Commerce)  
572, rem 740, K 757-758
- SB 194-FN-A**, relative to the age of child day care providers homes, and allowing school districts to transport school-age children between schools and before-and-after-school programs. (Judiciary and Family Law)  
**new title:** relative to the qualifications of child day care providers, and allowing school districts to transport school-age children between schools and before-and-after-school programs.  
**2<sup>nd</sup> new title:** allowing school districts to transport school-age- children between schools and before-and-after-school programs.  
623, am 721-722, psd 736, S nonconc, conf 872, rep adop 885-886, enr am 918, enr 926 (Chapter 308)
- SB 196-FN-L**, allowing the transmission of simulcast races at grand hotels. (Local and Regulated Revenues)  
707, rules suspended 718, K (RC) 804-807, IP 807
- SB 197-FN**, relative to final dispositional orders in child protection cases. (Judiciary and Family Law)  
624, rem 764, Com 828

- SB 198-FN-L**, relative to the standard for granting of variances by zoning boards of adjustment from dimensional requirements. (Municipal and County Government)  
573, K 723
- SB 202-FN-A-L**, relative to the certification of teachers, high school graduation examinations and making an appropriation therefor, school building aid, and establishing a committee to study school discipline and manifest educational hardship. (Education)  
**new title:** relative to the certification and recertification of teachers, supervisors, and administrators, high school graduation examinations, school building aid, and establishing a committee to study school discipline and manifest educational hardship.  
707, rules suspended 718, am & Finance (RC) 789-795, recon rej (RC) 802-804, am (3 RCs) 846-859, psd 865, S conc 866, enr am 909, enr 911, S sustained veto 961
- SB 203-FN-L**, deleting the state prison and adding county correctional facilities to the provisions relating to incarcerated educationally disabled children. (Education)  
**new title:** adding county correctional facilities and making other technical changes to the provisions relating to incarcerated educationally disabled children.  
624, am & Finance 748-749, rules suspended 758, am 838-839, psd 865, S nonconc, conf 873, rep adop 894-895, enr 926 (Chapter 337)
- SB 205-FN-L**, establishing a special school district to provide special education for eligible inmates in the state prison system. (Education)  
624, Com 724
- SB 206-FN-A**, relative to seminars conducted by the superior court for persons seeking custody or visitation of minor children and relative to fees charged for such seminars. (Judiciary and Family Law)  
624, rcmt 704, K 722
- SB 207-FN**, relative to a digital signature act. (Executive Departments and Administration)  
707, am & Finance 795-796, am 839-840, psd 865, S conc 866, enr 909 (Chapter 283)
- SB 209-FN**, establishing a residential care pilot program and providing for the funding of such program. (Health, Human Services & Elderly Affairs)  
**new title:** relative to a residential care services program.  
**2<sup>nd</sup> new title:** relative to a residential care services program and establishing a residential care oversight committee.  
707, rules suspended 718, Finance 775-776, am 859, psd 865, S nonconc, conf 873, rep adop 895-896, enr am 918, enr 926, appointments 969 (Chapter 309)
- SB 211**, making technical changes under the motor vehicle financial responsibility laws, insurance fraud laws, and laws regulating managing general agents, reinsurance intermediaries, and third party administrators. (Commerce)  
624, psd 769, 828, enr 880 (Chapter 284)
- SB 212-FN**, declaring a member of the retirement system on leave under the Family and Medical Leave Act to be in service for purposes of death or disability benefits. (Executive Departments and Administration)  
382, Finance 744-745, rules suspended 758, psd 772, 828, enr 876 (Chapter 171)
- SB 213-FN-A**, establishing a fund for loans to rehabilitate class III railroads and cog railroads and making an appropriation therefor. (Public Works and Highways)  
**new title:** establishing a revolving fund for loans to rehabilitate class III railroads and cog railroads.  
624, am & Finance 712-713, am 772-773, psd 829, S conc 831, enr 880 (Chapter 310)
- SB 216-FN-A**, relative to pari-mutuel racing and taxes on pari-mutuel pools. (Local and Regulated Revenues)  
707, rules suspended 718, am & Finance 808, am 859-862, psd 865, S nonconc, conf 873, Clerk's note 963
- SB 217**, relative to control of accessory uses on private land, including aircraft takeoffs and landings. (Municipal and County Government)  
624, K 732

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- SJR 1**, recognizing the town of Brentwood as the county seat of Rockingham county. (Municipal and County Government)  
168, psd 699, 706, enr 737 (Chapter 70)
- SJR 2**, relative to federal funding under the Individuals with Disabilities Education Act. (Education)  
170, rem 694, rcmt 704, am 718-719, psd 736, S conc 739, enr 876 (Chapter 129)
- SJR 3**, urging the United States Congress to adopt a constitutional amendment for environmental rights. (State-Federal Relations and Veterans Affairs)  
623, K 711

## 1997 SESSION

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- CACR 1**, relating to a 4-year term for the office of governor. Providing that the governor shall be elected every 4 years. (Keans, Straf 16; et al: Election Law)  
**new title:** relating to a 4-year term for the office of governor. Providing that the governor shall be elected every 4 years beginning in the year 2002.  
43, am (RC), rules suspended & adop 226-230, S nonconc 739
- CACR 2**, relating to reimbursement for travel expenses for members of the general court. Providing that members of the general court shall be reimbursed for actual and reasonable travel expenses incurred for legislative business with certain limitations. (Jacobson, Merr 2: Legislative Administration)  
43, K 354
- CACR 3**, relating to authorizing counties to implement an income tax. Providing that a county may implement an income tax, provided that there is a binding referendum of the voters of the county and approval by the legislature. (Robertson, Ches 18: Local and Regulated Revenues)  
43, rem 100, K 111
- CACR 4**, relating to returning annual legislative sessions to biennial legislative sessions. Providing that the general court shall meet biennially. (J. McCarthy, Rock 24; et al: Legislative Administration)  
43, K (RC) 188-190
- CACR 5**, relating to the status of supreme court rules. Providing that the supreme court rules shall no longer have the force and effect of law. (Adams, Merr 9; et al: Judiciary and Family Law)  
43, K (RC) 105-108
- CACR 6**, relating to term limits for state representatives and senators. Providing that the terms of office for members of the New Hampshire house and senate shall be limited to 12 consecutive years. (Weber, Graf 11; et al: Election Law)  
43, K (RC) 122-125
- CACR 7**, relating to term limits for United States Representatives and Senators. Providing that the terms of office for the members of the United States Congress from New Hampshire shall be limited to 12 consecutive years, so long as such restriction does not violate the United States Constitution. (Weber, Graf 11; et al: Election Law)  
43, K 125
- CACR 8**, relating to increasing the executive council membership and the number of executive council districts. Providing that the executive council shall be increased from 5 to 10 members, and the number of executive council districts shall be increased from 5 to 10. (G. Brown, Straf 17; et al: Election Law)  
51, Com 183
- CACR 9**, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. (Mirski, Graf 12: Election Law)  
51, Com 183-184

**CACR 10**, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute adopted by the legislature. (G. Brown, Straf 17; et al: Municipal and County Government)

**new title:** relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute.

51, SO 521, am (RC), rules suspended & adop 539-542, S nonconc 739

**CACR 11**, relating to legislative authority to limit noneconomic damage awards. Providing that the general court shall have the authority to limit the amount of noneconomic damage awards granted in the state of New Hampshire. (Guaraldi, Graf 14: Judiciary and Family Law)

53, K 116

**CACR 12**, relating to returning annual legislative sessions to biennial legislative sessions. Providing that the general court shall meet biennially. (Legislative Administration)

170, K 704

**CACR 13**, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money. (Finance)

624, K 749

**CACR 14**, relating to pensions for the governor, commissioners of state departments, and judges. Providing that no governor, commissioner of a state department, or judge shall receive a pension from public funds. (Weber, Graf 11; et al: Executive Departments and Administration)

57, K 350

**CACR 15**, relating to requiring that the attorney general be elected. Providing that the attorney general be chosen biennially in the general election. (Weber, Graf 11; et al: Election Law)

64, K 230

**CACR 16**, relating to the election of judges and judicial pensions. Providing that judges be elected for specified terms and that no judge shall receive a pension from public funds. (Weber, Graf 11; et al: Judiciary and Family Law)

64, K 209

**CACR 17**, relating to the appointment of supreme, superior, and probate court judges. Providing that supreme, superior, and probate court judges be appointed for specified terms. (McCann, Straf 11; et al: Judiciary and Family Law)

64, K 237-238

**CACR 18**, relating to references to the governor in the constitution. Providing that all references to the governor in the constitution shall be gender neutral. (Cushing, Rock 22; et al: Executive Departments and Administration)

64, rules suspended & adop 373-374, S conc 709, enr 829

**CACR 19**, relating to the election of the speaker of the house, senate president, and other officers. Providing that the speaker of the house, senate president, and other officers shall be elected from among the respective body's membership. (Flanagan, Rock 14; et al: Legislative Administration)

64, K 178

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64, rem 203, K 255

**CACR 21**, relating to a balanced budget. Providing that the governor be prohibited from proposing, and the general court be prohibited from approving, an operating budget in which expenditures exceed estimated revenue. (Leber, Merr 1; et al: Finance)

69, Com 604

**CACR 22**, relating to changing the minimum age requirement for state senator from 30 to 25. Providing that persons at least 25 years of age shall be eligible to be elected to the state senate. (Hilliard, Straf 14; et al: Election Law)

96, rules suspended & adop (RC) 230-233, S conc 689, enr 690

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- treasurers**  
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- Civic center, Concord, commission repealed** ..... SB 94
- Civil actions.** See: Actions and proceedings
- Civil air patrol**, grant program administered by office of emergency management ..... HB 391
- Civil Rights Day**, name changed to Martin Luther King, Jr. Civil Rights Day ..... HB 660  
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- Claims adjusters**, workmens' compensation, licensed, utilized by self-insured  
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- Clean Air Act**, amendment urged for more cost effective air pollution reductions ..... HJR 5
- Clerk**  
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- Clouse, Rev. Larry E.**, guest chaplain ..... 879
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- Cocktail lounges**  
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- Collective bargaining**  
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   advancement may be subject of bargaining ..... HB 521  
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| taxes imposed on property used for housing, study .....   | HB 709  |
| tuition   |         |
| incentive grants, appropriation .....   | HB 50am |
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| <b>Colonial Theater, Keene, letter of commendation to owner for restoration .....</b> | <b>HR 17am</b> |
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| <b>Commission on the status of fatherhood .....</b> | <b>HB 515</b> |
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**Committee re-referrals**

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| airports, municipal, property and rights outside municipal boundaries,<br>payments in lieu of taxes, date changed .....                              | HB 543  |
| Alzheimer's disease special care disclosure act .....  | HB 266  |
| architects board, duties and authority changed .....   | HB 535  |
| attorney general   |         |
| elected by general court .....   | CACR 9  |
| required to bring suit against US government for assault weapons ban .....   | HJR 3   |
| attorneys, unlicensed practice of law, remedies; class actions .....   | HB 595  |
| auctioneers board repealed; auctioneers certified by secretary of state .....  | HB 753  |
| balanced operating budget required .....   | CACR 21 |
| bear hunting license fee increased .....   | HB 177  |
| Berlin, state prison facility .....  | SB 168  |
| boats  |         |
| and seaplanes from waters infested with milfoil or zebra mussels, restrictions .....   | HB 560  |
| docking facilities, location; agreements between abutters .....  | HB 272  |
| safety education required .....  | HB 710  |
| business profits tax on venture capital funds repealed .....   | HB 717  |
| charitable trust filing requirements, exception for certain hospitals<br>and educational organizations removed .....                                 | HB 409  |
| Cheshire bridge, tolls eliminated; payment from highway fund .....   | HB 274  |
| children   |         |
| abused or neglected, final dispositional orders to include rulings<br>from administrative hearings .....   | SB 197  |
| abused or neglected, psychological injury defined .....  | HB 211  |
| custody, interference with, violation of court order regarding visitation .....  | HB 767  |
| day care revolving loan fund .....   | HB 686  |
| in need of services, diversion defined; programs; parental responsibility .....  | HB 606  |
| support, custody, and visitation changed .....   | HB 774  |
| communications services tax, definition, exemption for certain prepaid<br>2-way communications .....   | HB 804  |
| computer network system access, improvement study by PUC .....   | HB 482  |
| condominium units taken by town for nonpayment of taxes, town exempt from<br>payment of common expenses; paid by successful bidder at tax sale ..... | HB 594  |
| Connecticut River at North Walpole, erosion control, appropriation .....   | HB 778  |
| Convention for the Elimination of All Forms of Discrimination Against<br>Women, ratification urged .....   | HCR 12  |
| cooperative school districts, polling places in each member town .....   | HB 295  |
| Coos county industrial, commercial, and tourism agent .....  | HB 772  |
| county nursing homes, disposition of deceased patients' accounts;<br>amount increased .....  | HB 234  |
| crimes, violent, possession of dangerous weapons, additional penalty .....   | SB 102  |
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| felonious disarming of police officer, penalty .....   | HB 583  |
| felony murder .....  | HB 665  |
| current use taxation, open space land not eligible for 5 years<br>after zoning reclassification .....  | HB 396  |
| disaster leave for state employees who are certified Red Cross<br>disaster relief volunteers .....   | SB 131  |

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| docks and boathouses, permits for building granted by environmental services .....   | HB 547   |
| domestic violence law revised .....  | HB 480   |
| drug testing, random, by school district, approval of voters required .....  | HB 242   |
| dwellings over water, reconstruction or repair, septic system approval required .....  | HB 544   |
| education, higher, scholarship and grant recipients, drug tests required;<br>repayment on conviction of a drug-related offense .....               | HB 538   |
| education, special<br>and high school, ages changed; liability of education department for<br>special education expenses changed .....             | HB 784   |
| catastrophic costs fully funded .....  | HB 223   |
| school district in corrections department for state prison inmates .....   | SB 205   |
| elections<br>ballots, name stickers do not make defective .....  | HB 408   |
| campaign financing, reporting requirements, amounts reduced .....  | HB 356   |
| checklists, centralized, computerized, maintained by secretary of state .....  | HB 647   |
| political advertising, improper or early placement, penalty .....  | HB 333   |
| political advertising, television, identification and picture .....  | HB 659   |
| primaries, candidates not accepting spending limitations, petition<br>filing requirements removed .....  | HB 276am |
| voter registration, absentee ballots for disabled, procedure .....   | HB 484   |
| electric power<br>economic development and retention discounts for stranded cost recovery<br>charges after competition is certified to exist ..... | HB 716am |
| facilities, disclosure of fuel sources and air pollutant emissions .....   | HB 406   |
| limited producers, net energy billing; purchase of power by public<br>utilities repealed .....   | HB 485   |
| restructuring, rate reduction bonds to finance transition costs .....  | HB 651   |
| restructuring, system benefit charge and interim stranded cost recovery<br>charge, rate and time limited .....                                     | HB 587   |
| suppliers and utilities, property subject to municipal taxation .....  | HB 707   |
| emergency medical care provider's liability limited .....  | HB 635   |
| employee leasing companies, licenses revoked by labor commissioner .....   | SB 42    |
| environmental services, emergency permits for excavating in wetlands .....   | HB 581   |
| equine activities, liability limited .....   | HB 793   |
| estates, priority of charges, old age assistance and aid to permanently<br>and totally disabled added .....  | SB 96    |
| excavating, minimum impact projects, permits by rule or notification<br>exempt from recording and posting requirements; rulemaking .....           | HB 350   |
| executive council members and districts increased .....  | CACR 8   |
| farms, right to farm .....   | HB 553   |
| federal government prohibited from imposing regulatory and unfunded mandates .....   | HCR 7    |
| film and television commission established .....   | SB 100   |
| fireworks, permissible, rules exempt from administrative procedure act .....   | HB 152   |
| fish and game<br>commission and executive director, exclusive authority to manage fish,<br>game, and wildlife resources .....                      | HB 371   |
| licenses, free for residents in armed forces .....   | HB 132   |
| funeral or burial plans, prearranged, deposit or transfer of funds, notice required .....  | SB 10    |
| gambling, charitable organizations, wager limit increased .....  | HB 432   |
| Hampton Harbor inlet beach control project .....   | SB 158   |
| health and human services commissioner, quarterly reports on grants<br>administered by the department .....  | HB 645   |
| health care facilities, exclusivity contracts with managed care insurers prohibited .....  | SB 1     |
| health clubs, surety bond reduced .....  | HB 798   |
| health professions, administrative support services consolidated .....   | HB 600   |
| homeless prevention fund and tax .....   | HB 697   |
| homicide, negligent, causing death of child under 13, class A felony .....   | HB 559   |
| inheritance tax, special rate for siblings .....   | HB 108   |
| insurance<br>coverage for services of mental health counselors and marriage and family therapists .....  | HB 410   |
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## insurance (cont.)

- provider to determine treatment for patients; not penalized for recommending course of treatment ..... HB 451

Jaffrey-Peterborough district courthouse, lease-purchase agreement ..... HB 400

## jurors

- fees increased ..... HB 736
- master list compiled from voter and driver's license lists; qualifications; pilot "one day, one trial" program; exemptions repealed ..... HB 616

## juvenile delinquents

- court records and proceedings, confidentiality provisions ..... HB 604
- diversion defined; programs; parental responsibility ..... HB 605

kindergarten special number plate and fee ..... HB 729

## labor

- disclosure of information to prospective employer by former employer, liability limited ..... SB 25
- large employers, long-term care insurance option required ..... HB 691

## landlord and tenant

- consumer credit reports, evictions, information required ..... HB 359
- evictions, judgment for unpaid rent and possession at same time; appeals, advance weekly payments to court ..... HB 802
- rooming or boarding houses, restricted tenancy after 90 days ..... HB 361

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mandatory auxiliary marine patrol ..... HB 561

medicaid eligibility, certain trusts prohibited ..... HB 792

medical assistants, licensing ..... HB 281

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Melendy Pond Authority, Brookline, actions establishing and amending legalized ..... HB 812

## mental health

- alternative providers of services, registration ..... HB 756
- counselors, sexual misconduct ..... HB 730

## minors

- motor vehicle violation-level driving offenses, penalty ..... HB 231
- possessing tobacco products or misrepresenting age, parental notification ..... HB 367

motor vehicle road toll refunds for retail dealers repealed ..... HB 126

## motor vehicles

- driver's license, number plates, and registration suspended or revoked for court defaults in related cases ..... SB 187

- DWI, administrative license suspension, criteria for establishing that tests were properly administered; scope of review changed ..... HB 420

- DWI, impaired driver intervention programs, late fees authorized by safety commissioner ..... HB 414

joyriding and theft, penalties ..... HB 565

multiple DWI offender intervention detention center program, study ..... HB 271

number plates, special conservation ..... HB 627

reckless driving, 20 miles over speed limit, penalties ..... HB 649

- registration, additional fee for municipal and transportation improvement fund; local option ..... HB 648

municipal water, gas, and electric systems statutes revised ..... HB 750

- naturopathic health care, license or registration required; disciplinary action; administrative fines ..... HB 762

## NH Aviation and Space Education Council, percentage of

registration fee retained ..... HB 689

## open space land defined to include property held by a town in another

town for purposes of water supply or flood control ..... SB 145

Pemigewasset River, aircraft prohibited on certain portions ..... HB 477

pensions and individual retirement accounts exempt from bankruptcy attachment ..... HB 555

## pesticides, categories

redefined ..... HB 207

reduced to one ..... HB 191

pistols and revolvers, permanent license to carry for residents ..... SB 66

**Committee re-referrals (cont.)**

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| prisoners, responsibility for transporting and for custody and control while<br>in courthouse .....                                    | HB 204  |
| public employee collective bargaining, terms and conditions of employment<br>redefined; advancement may be subject of bargaining ..... | HB 521  |
| public utilities, gas and electric, reduced rates for life-support equipment .....   | HB 754  |
| push-polling defined; filing requirements .....  | HB 443  |
| railroads, liability for passenger service limited .....   | HB 712  |
| real estate transfer tax<br>applicable to transfer of controlling interest in entity with an interest in real estate .....             | HB 245  |
| exemption where ownership of transferor is same as transferee .....  | SB 80am |
| records, business, access by other states limited .....  | HB 548  |
| records management and archives, preservation and access for general<br>court committee records .....                                  | HB 111  |
| retirement system<br>group I, disability benefits, incapacitated for any gainful employment .....                                      | HB 749  |
| group II, additional medical benefits for certain members .....  | SB 53   |
| group II, spousal benefits for members who retired before April 1, 1987 .....  | HB 751  |
| member killed in performance of duty, health benefits for spouse and children .....  | SB 68   |
| SAU budgets, approval by member school districts required .....  | HB 143  |
| school districts<br>meetings, time limit extended .....  | HB 166  |
| records, permanent paper records may be destroyed after being<br>transferred to computer .....   | HB 270  |
| Seacoast Science Center, addition, appropriation .....   | SB 161  |
| sewage or waste disposal systems, statewide standards .....  | HB 405  |
| sex-related crimes, prosecution, incarceration, and sentencing, study .....  | HB 353  |
| sexual assault, aggravated felonious, victim under 13, sentence may<br>be life imprisonment .....                                      | HB 517  |
| sexual offenders registration, police must notify certain organizations .....  | HB 682  |
| signatures, electronic and digital, definitions; verification .....  | HB 290  |
| sludge<br>and domestic septage defined; regulated separately .....   | HB 497  |
| containing heavy metal over certain limits, land application prohibited .....  | HB 418  |
| smoking, indoor, definitions; fines increased; exemptions for small<br>restaurants and certain patients repealed .....                 | HB 505  |
| state agencies, uniform hearings procedures; pilot program for hearing examiners .....   | HB 256  |
| state parks, certain fees increased .....  | HB 618  |
| subdivisions, exclusions from definition .....   | HB 529  |
| sunrise program, regulation of previously unregulated occupations or<br>professions, factors to consider .....                         | HB 465  |
| tax sale of tax-deeded property, distribution; municipal proceeds limited .....  | HB 676  |
| taxes<br>bills for multiple owners of land .....   | HB 641  |
| exemption for industrial construction .....  | HB 198  |
| exemption for low income rental housing owned by nonprofit<br>charitable organizations .....   | HB 504  |
| exemption for temporary greenhouses .....  | HB 170  |
| interest and dividends, exemption increased .....  | HB 195  |
| land may be taxed at greater rate than buildings .....   | HB 337  |
| must be paid prior to approval of subdivision plat .....   | HB 642  |
| property tax relief .....  | HB 578  |
| teachers<br>early retirement option .....  | HB 630  |
| failure to be renominated, notification date changed .....   | HB 167  |
| testing for certification .....  | HB 612  |
| telecommunication easements tax .....  | HB 563  |
| telemarketing registration and fraud prevention act .....  | HB 670  |
| telephone companies, small, exempt from rate of return regulation by PUC .....   | HB 610  |
| tobacco products<br>disclosure of additives and nicotine yield ratings by manufacturers .....  | HB 147  |
| or alcohol products, advertising prohibited in drug-free school zones .....  | HB 721  |

**Committee re-referrals (cont.)**

|  |          |
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| town meeting, 1997 and 1998, non-official ballot law towns in official                               |          |
| ballot law school districts, date of elections .....   | SB 62    |
| unemployment compensation, benefits for victims of domestic abuse who                                |          |
| leave employment for reasons of protection .....   | HB 579   |
| uniform simultaneous death act revised .....   | SB 84    |
| viatical settlements act .....   | HB 263   |
| village and school districts, official ballot voting on some or all warrant articles .....           | HB 174   |
| Walker building rehabilitation, appropriation .....  | HB 305   |
| waste-to-energy facilities, closures, grants to aid municipalities .....                             | HB 593   |
| wilderness/back country rescuers exempted from emergency medical                                     |          |
| services provisions .....  | HB 621   |
| wildlife habitat fund; additional license fee .....  | HB 747   |
| wireless telephone cloning, definitions; penalties .....   | HB 467   |
| wrongful death of child, nonsupporting parent may not recover damages                                |          |
| until child support arrearages are paid in full .....  | SB 26    |
| zoning   |          |
| ordinance noncompliance, notice filed in registry of deeds; lien for amount of penalties .....       | HB 366   |
| ordinance protest petitions, limitation repealed .....   | HB 679   |
| subdivisions, land whose sole highway access is in another town,                                     |          |
| regulatory power of that town .....  | HB 552   |
| <b>Common carriers</b> seating no more than 7 passengers, exemption from regulation removed .....    | HB 589   |
| <b>Communications</b> , wireless facilities, easements excluded from definition of subdivision ..... | HB 529   |
| <b>Communications services tax</b>   |          |
| definition, exemption for certain 2-way communications .....   | HB 804   |
| exemption for coin-operated telephone service repealed; computation of tax .....                     | HB 2am   |
| rate reduced .....   | HB 113   |
| temporary rate extended for biennium .....   | HB 51    |
| <b>Computers</b>   |          |
| centralized, computerized checklist maintained by secretary of state; appropriation .....            | HB 647   |
| electronic data submission of meals and rooms tax returns .....                                      | HB 53    |
| electronic signatures, definitions; verification; state agency use .....                             | HB 290   |
| .....  | SB 207   |
| engineers, registering of trade name using term allowed under engineers chapter .....                | HB 192   |
| financial data management, capital improvements appropriation .....                                  | HB 25am  |
| information technology management office   |          |
| changed to division; approval of state agency plans; nomination of director .....                    | HB 2am   |
| technical committees, membership; internet issues added .....  | HB 264   |
| networks, access, improvement study by PUC .....   | HB 482   |
| official paper records of school districts may be destroyed after being                              |          |
| transferred to computer .....  | HB 270   |
| schools  |          |
| systems and networks, policy for appropriate use; liability of users .....                           | HB 110   |
| technology development and educational opportunity fund .....  | HB 601   |
| technology plan, oversight committee .....   | HB 262am |
| state agencies   |          |
| presence on automated information system required .....  | HB 457   |
| requests, reviewed and approved by information technology office .....                               | HB 1am   |
| .....  | HB 25am  |
| rules filed with state library in electronic and printed format .....                                | HB 466   |
| system, health and human services department   |          |
| development, appropriation .....   | HB 1     |
| health care transition fund interest used for .....  | HB 25am  |
| initiatives, appropriation .....   | HB 2     |
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**Concord**

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**Condominiums**

|   |        |
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| surtax on occupiers of units for state aid to education ..... | HB 663 |
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**Condominiums (cont.)**

|  |        |
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| time-share unit annual maintenance fees subject to meals and rooms tax .....   | HB 53  |
| unit owners' association, common expenses, delinquency, collection of rent<br>from tenant; eviction of tenant; costs and attorneys' fees ..... | SB 105 |
| units  |        |
| taken by town for nonpayment of taxes, town exempt from payment of<br>common expenses; paid by successful bidder at tax sale .....             | HB 594 |
| taxes delinquent, alternatives to accepting tax deed; indefinite liens .....   | HB 701 |

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| <b>Confidential communications, family mediator and client .....</b> | <b>HB 365</b> |
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**Confidential information**

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|---|--------|
| child immunization records accessible to certain persons without parental consent .....             | HB 319 |
| court records in civil actions open to the public; sealed agreements prohibited .....               | HB 330 |
| education records, disclosure of directory information .....  | HB 450 |
| juvenile delinquency  |        |
| court records and proceedings, exceptions .....   | HB 604 |
| records may be accessed by court considering sentence of adult convicted<br>of certain crimes ..... | HB 692 |
| medical records; permitted use limited .....  | HB 490 |
| motor vehicle records, access to prevent identity-based fraud; conditions .....                     | SB 63  |
| public access to data concerning physicians and surgeons, study .....                               | SB 159 |
| revenue administration  |        |
| and employment security department, exchange of unemployment<br>compensation information .....      | HB 667 |
| records and audits, disclosure to other states repealed .....                                       | HB 705 |

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| <b>Connecticut River, North Walpole, erosion control appropriation .....</b> | <b>HB 778</b> |
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**Conservation**

|  |        |
|--|--------|
| commissions, members must be residents of the town or city .....   | HB 114 |
| committee, state, funds from conservation number plates; use of funds .....                                  | HB 627 |
| discretionary easements on certain agricultural buildings .....  | HB 311 |
| officers, violations of fish and game laws, arresting officer shall not<br>also be prosecuting officer ..... | HB 777 |
| restrictions, names of holders required on subdivision applications; notifications .....                     | HB 210 |
| tree-planting program, members of youth groups utilized .....  | HR 11  |

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|   |         |
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| attorney general elected  |         |
| by general court .....  | CACR 9  |
| in general election .....   | CACR 15 |
| balanced operating budget required .....  | CACR 21 |
| county income tax authorized .....  | CACR 3  |
| damages, noneconomic awards limited by general court .....  | CACR 11 |
| executive council members and districts increased .....   | CACR 8  |
| general court   |         |
| biennial sessions .....   | CACR 4  |
| .....   | CACR 12 |
| members, reimbursed for actual and reasonable travel expenses .....                                     | CACR 2  |
| members, terms limited .....  | CACR 6  |
| officers elected from among the members .....   | CACR 19 |
| governor  |         |
| 4-year term .....   | CACR 1  |
| commissioner of state department, or judge, pensions from public funds prohibited .....                 | CACR 14 |
| gender neutral references in the constitution .....   | CACR 18 |
| line item veto .....  | CACR 13 |
| judges  |         |
| except supreme court, elected for specified terms, no pension from public funds .....                   | CACR 16 |
| probate courts, appointed for 10 years terms, one reappointment possible .....                          | CACR 20 |
| supreme, superior, and probate courts, appointed for 10 year<br>terms, one reappointment possible ..... | CACR 17 |
| municipal home rule authority .....   | CACR 10 |
| powers of the governor and the courts, adoption of articles, study .....                                | HB 397  |
| senate, minimum age lowered to 25 .....   | CACR 22 |

**Constitutional amendment proposals (cont.)**

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|--|--------|
| supreme court rules, force and effect of law removed ..... | CACR 5 |
| US Congress, members, terms limited .....                  | CACR 7 |

**Consumer credit**

|   |          |
|---|----------|
| finance charge statement in conformity with Regulation Z fulfills disclosure requirement; interest rate not same as for business transactions ..... | HB 327   |
| ratings and histories may not be used in rate setting for motor vehicle and homeowners insurance .....  | SB 104   |
| reporting agencies, drivers whose licenses are suspended for nonpayment of fines reported to .....  | SB 86    |
| reports, evictions, information required .....  | HB 359   |
| small loans, inducement checks, disclosure required .....   | HB 157   |
| unfair collection practices, check collection agency charges limited except by written agreement .....  | HB 453am |
| notice of charge .....  | SB 17    |

**Consumer protection**

|   |        |
|---|--------|
| banks, demand deposit accounts and related services, display required .....   | HB 258 |
| gift certificates under \$100, no expiration date; over \$100, escheat to state as abandoned property .....                           | SB 79  |
| health clubs surety bonds reduced .....   | HB 798 |
| mental health client bill of rights .....   | HB 393 |
| motor vehicle retail installment sales, bank commissioner's powers changed; penalties increased .....                                 | HB 453 |
| prescription drug copayments, insurer may not substitute for the prescribed drug; generic copayment rate required for all drugs ..... | HB 376 |
| sales of baby food or drugs at flea markets prohibited .....  | SB 18  |
| telemarketing registration and fraud prevention act .....   | HB 670 |
| unlicensed practice of law prohibited .....   | HB 595 |
| written contracts required for roofing contractors .....  | HB 280 |

**Contractors**

|  |        |
|--|--------|
| independent, distinct from homeworkers for purposes of unemployment compensation ..... | HB 134 |
| notified when subcontractor's workers' compensation insurance is cancelled .....       | HB 131 |
| roofing, written contracts required .....  | HB 280 |
| workers' compensation compliance statements provided to labor commissioner .....       | HB 478 |

**Contracts**

|  |        |
|--|--------|
| sales representatives, post-termination commissions, treble damages for failure to pay ..... | HB 711 |
| written, required for roofing contractors .....  | HB 280 |

**Convention for the Elimination of All Forms of Discrimination**

|   |        |
|---|--------|
| Against Women, ratification urged ..... | HCR 12 |
|---|--------|

**Coos county**

|  |         |
|--|---------|
| industrial, commercial, and tourism agent .....  | HB 772  |
| sheriff's compensation may be revised .....  | SB 110  |
| superior court, Lancaster, various capital improvements appropriations decreased ..... | HB 25am |

**Copyright**

|   |        |
|---|--------|
| intellectual property registry established, study ..... | SB 164 |
| respected, school computer systems and networks .....   | HB 110 |

**Corporations**

|  |        |
|--|--------|
| electronic, changes in law to allow incorporation .....                        | HB 180 |
| mergers and conversions, procedures .....                                      | HB 650 |
| securities registration penalty for failure to file .....                      | HB 713 |
| requirements consolidated .....  | HB 483 |
| voluntary, name may not be deceptively similar to real estate trust name ..... | HB 526 |

**Corrections**

|   |         |
|---|---------|
| counties, prisoners, uncompensated public service at municipality-owned property arranged by county commissioners ..... | HB 130  |
| department 1995 capital improvements appropriation, use of unexpended balance .....                                     | HB 25am |

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|---|---------------|
| <b>Corrections (cont.)</b>  |               |
| department (cont.)  |               |
| additional probation/parole officers .....  | SB 181        |
| capital improvements appropriation .....  | HB 25         |
| special school district for state prison inmates .....  | SB 205        |
| state prison facility in Berlin, appropriation .....  | SB 168        |
| various capital improvements appropriations extended; purpose amended .....                       | HB 25         |
| industries advisory board repealed .....  | HB 325        |
| officers  |               |
| medical, physical, and psychological standards .....  | HB 151        |
| sexual assault, coercion of prisoner .....  | HB 735am      |
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consumption tax established; franchise tax repealed ..... HB 602

economic development and retention discounts for stranded cost recovery  
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**facilities**

definitions changed; site evaluation committee, membership, designees  
permitted; delegation of authority; notice of hearing changed ..... HB 726am

disclosure of fuel sources and air pollutant emissions ..... HB 406

least cost energy planning, filing requirement may be waived ..... HB 726

limited producers, net energy billing; purchase of power by public utilities repealed ..... HB 485

municipal systems, statute revised ..... HB 528

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nuclear emergency response plan, assessments collected by emergency management office ..... HB 572

**plants**

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| suspended or revoked, driving after, forfeiture of vehicle .....   | HB 795 |
| suspended or revoked, registration of any type of vehicle prohibited; minimum<br>fine for driving without giving proof of financial responsibility established ..... | HB 335 |
| suspended or revoked, registration of OHRV or boat prohibited;<br>conditions for reissuance of plates .....  | SB 173 |
| waiver to remove image from records prohibited for those convicted of certain crimes .....   | SB 119 |
| youth, for minors; restrictive provisions; penalties .....   | HB 459 |

**DWI**

|  |          |
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| administrative license suspension, criteria for establishing that tests<br>were properly administered; scope of review changed ..... | HB 420   |
| administrative license suspension repealed .....   | HB 573   |
| blood tests performed by medical technician or medical technologist .....  | HB 770   |
| emergency medical technicians, denial of license for conviction of DWI repealed .....  | HB 163   |
| impaired driver intervention programs, late fees, rulemaking .....   | HB 414   |
| multiple offender intervention program, rate setting by health and<br>human services reimbursements office .....                     | HB 724   |
| offender intervention detention center program, study .....  | HB 271   |
| penalties increased; lifetime license revocation; driver intervention programs eliminated .....                                      | HB 795   |
| person under 21, minimum mandatory fine may be suspended .....   | HB 514   |
| preliminary breath test, admissible in certain cases; refusal to submit, license suspension .....                                    | HB 455   |
| emissions inspection program, startup delayed .....  | HB 224   |
| failure to yield, accident resulting, penalty .....  | HB 614   |
| fines, unrestricted general fund .....   | HB 1     |
| hearings, witness fees and mileage payments for local police subpoenaed to attend .....  | HB 740   |
| joyriding and theft, penalties .....   | HB 565   |
| leases, definitions; content of lease agreements .....   | HB 453am |
| liability insurance  |          |
| assigned risk plan; amendments .....   | SB 211   |
| mandatory .....  | HB 508   |
| medical payments, exemption for certain commercial policies and trucking operations .....  | SB 211   |
| rate setting not to use credit ratings and histories .....   | SB 104   |
| residency requirements; forms .....  | HB 142   |
| uninsured motorist coverage optional .....   | HB 247   |
| uninsured motorists may not receive noneconomic damages .....  | HB 292   |
| lights   |          |
| daytime running, required .....  | HB 419   |
| recommended when windshield wipers are in operation .....  | HB 357   |
| motor oil discharge cleanup fund, eligibility after transfer of<br>ownership; recovery of expenses from insurance; penalties .....   | HB 698   |

**Motor vehicles (cont.)**

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| number plates  |          |
| fee increased; inventory fund reduced .....  | HB 186   |
| livery plates for passenger common carriers .....  | HB 589   |
| special, agricultural cattle trailers .....  | HB 780   |
| special, amateur radio operators .....   | HB 631   |
| special, citizens' band operators repealed .....   | HB 412   |
| special, conservation, to support natural and cultural resources .....                     | HB 627   |
| special, honorably discharged veterans .....   | HB 607   |
| special, kindergarten, fee .....   | HB 729   |
| special, POWs, may be retained by surviving spouse .....                                   | HB 116   |
| temporary, altered or modified, penalty .....  | HB 150   |
| overweight and over-dimension permits, study .....   | HB 475   |
| pawnbrokers prohibited from taking more than 4 as security for loan .....                  | HB 327   |
| penalty assessments, DWI and speeding convictions, and child safety                        |          |
| restraint offenses, for brain and spinal cord injury trust fund .....                      | HB 592   |
| proof of financial responsibility, time extended; driving without                          |          |
| giving proof, minimum fine established .....   | HB 335   |
| reckless driving   |          |
| 20 miles over speed limit, penalties .....   | HB 649   |
| willful misconduct which may bar provision of certain services, study .....                | HB 499   |
| records  |          |
| access to prevent identity-based fraud; conditions .....                                   | SB 63    |
| image, waiver to remove prohibited for those convicted of certain crimes .....             | SB 119   |
| refusing to stop for police officer, penalties increased under certain circumstances ..... | HB 684   |
| registration   |          |
| additional fee for municipal and transportation improvement fund; local option .....       | HB 648   |
| cities over 50,000 population, surcharge for public parking facilities repealed .....      | HB 743   |
| fee, refund, prorated for months of use; local option .....                                | HB 556   |
| prorated refund of fee on sale of previously registered vehicle .....                      | HB 109   |
| retail installment sales   |          |
| definitions, licensing requirements, and bank commissioner's                               |          |
| powers changed; penalties increased .....  | HB 453   |
| notice regarding insurance refund; time for payment .....                                  | HB 492   |
| seat belts, children to age 18 .....   | HB 273   |
| speed limits   |          |
| increased .....  | HB 758   |
| prima facie changed to maximum speed .....   | HB 306   |
| school zones, staggered school openings and closings .....                                 | HB 123   |
| speeding, 20 miles over limit, reckless driving, penalties .....                           | HB 649   |
| trailers or recreational vehicles used for storage or habitation must                      |          |
| be registered or be subject to property tax .....  | HB 206   |
| trucks   |          |
| cover for loaded vehicles not required on highways with speed                              |          |
| limit less than 30 miles per hour .....  | HB 382   |
| motor carrier safety rules, adoption of federal regulations by safety commissioner .....   | HB 412   |
| over certain weight, campers, and vehicles with trailers, travel in left                   |          |
| lane of highway prohibited .....   | HB 238   |
| safety station, route 4, Chichester, public hearing required .....                         | HB 182   |
| trash removal vehicles exempt from length, width, and weight laws .....                    | HB 654   |
| unattended, remote start provisions .....  | HB 203am |
| used oil collection centers, grants increased; automotive oil fee increased .....          | HB 771   |
| windows, tinted glass, exception for rear window .....                                     | HB 412am |

**Mount Sunapee ski area**, request for proposals to lease issued by DRED commissioner;  
advisory committee; review by capital budget overview committee .....

HB 628

**Mountain lion**, damage to cultivated blueberries, state reimbursement .....

HB 115

**MultiProcess Computer Corporation, Inc.**, Windham, charter reinstated .....

HB 711am

**Municipal budget law**

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| appropriations for organizations that lobby, separate vote required .....                   | HB 522 |
| initial bond issues not recommended by budget committee may exceed the 10% limitation ..... | HB 422 |
| line items or programs may be deleted at town or school district meetings .....             | SB 37  |

**Municipal budget law (cont.)**

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| school district annual report and budget must be published at least one week before annual town meeting .....    | HB 287 |
| special warrant articles, notation of recommendation, defects not to affect appropriation's legal validity ..... | HB 216 |

**Murder. See also: Homicide**

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|---|--------|
| capital, offenses added; first degree murder, death penalty possible .....              | HB 752 |
| felony murder established .....   | HB 665 |
| intentional killing of one parent by the other, child custody determined by court ..... | HB 456 |

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| <b>Museums, farm museum, Milton, official state farm museum .....</b> | <b>HB 498am</b> |
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| <b>Music Hall, Portsmouth, letter of commendation to owner for restoration .....</b> | <b>HR 17am</b> |
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**Mutual funds**

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| investments by insurance companies .....              | SB 190am |
| limitations .....                                     | HB 746am |
| town trust funds may be invested in; conditions ..... | SB 5     |

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| <b>Name changes, probate court jurisdiction .....</b> | <b>SB 85</b> |
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**National Fire Protection Association, NFPA 1 Fire Prevention Code**

|                                   |          |
|-----------------------------------|----------|
| may be adopted by reference ..... | HB 392am |
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**National guard, reimbursement for expenses of aerial search**

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| for missing Lear jet near Lebanon; appropriation ..... | HB 2am |
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| <b>National Information Infrastructure technology plan for high schools .....</b> | <b>HB 262</b> |
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| <b>National Register of Historic Places, buildings listed, tax reassessments may be delayed .....</b> | <b>HB 620</b> |
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**National Securities Markets Improvements Act of 1996, federal**

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| covered security, laws brought into compliance ..... | HB 611 |
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| <b>Native Americans, free fish and game licenses .....</b> | <b>HB 159</b> |
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**Natural resources, environmental rights, US Constitutional**

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| amendment, Congress urged to adopt ..... | SJR 3 |
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| <b>Natural scientists board, regulation of wetlands scientists .....</b> | <b>HB 197</b> |
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**Naturopathic health care, license**

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|---|----------|
| application date extended; exemptions added .....                         | SB 167am |
| or registration required; disciplinary action; administrative fines ..... | HB 762   |

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| <b>Navigation safety fund, from unrefunded boat tolls .....</b> | <b>HB 658</b> |
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**Needles, hypodermic**

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| pilot exchange program to combat AIDS .....   | HB 225 |
| sales, prescription required for minors only; safe disposal and information on drug addiction treatment; schools exempted from law prohibiting sales except by pharmacies ..... | HB 470 |

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| <b>New England Patriots, feasibility of bringing team to NH, study .....</b> | <b>HB 809</b> |
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**New Hampshire**

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| artist laureate, honorary position .....   | HB 368   |
| automated information system, all state agencies to have presence on .....   | HB 457   |
| children's trust fund, name changed from trust fund for the prevention on child abuse and neglect; membership changed; administrative expense allowance increased; criteria for grantees ..... | HB 448   |
| civic center commission, Concord, repealed .....   | SB 94    |
| council on drug abuse prevention .....   | HB 476   |
| farm museum, Milton, official state farm museum .....  | HB 498am |
| film and television commission established .....   | SB 100   |
| health access corporation and fund .....   | HB 723   |
| member of Northern New England Commission on Economic Development .....  | SB 12    |

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| <b>NH Aviation and Space Education Council, percentage of registration fee retained .....</b> | <b>HB 689</b> |
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| <b>NH Bar Association, mandatory membership for attorneys prohibited .....</b> | <b>HB 369</b> |
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| <b>NH International Speedway</b>   |          |
| I-93, Concord and Bow, borrow-a-lane project, appropriation .....                            | HB 2am   |
| Winston Cup races, Hooksett toll booths may be opened to southbound traffic .....            | HB 175   |
| <b>NH Legal Assistance</b>   |          |
| civil representation of low-income persons; reports to judicial                              |          |
| council on use of state funds .....  | HB 2am   |
| funds from civil action entry fee surcharge for civil representation of                      |          |
| low-income persons .....   | HB 530   |
| <b>New Hampton Village Precinct Electric Department, customers</b>                           |          |
| exempt from electricity consumption tax .....  | HB 602   |
| <b>Newmarket school district meeting legalized</b> .....                                     | HB 808am |
| <b>News media, television and radio broadcasters urged to refuse to broadcast exit</b>       |          |
| polls and predictions of outcome of election before the polls are closed .....               | HR 10    |
| <b>Nonprofit corporations, NH Aviation and Space Education Council,</b>                      |          |
| percentage of registration fee retained .....  | HB 689   |
| <b>Nonprofit organizations</b>   |          |
| religious, fraternal, or cooperative, exempt from regulation as debt adjusters .....         | HB 327   |
| taxpayers given option of funding through taxes .....  | HB 590   |
| work by prisoners arranged by county commissioners .....                                     | HB 130   |
| <b>North Hampton tax rate for 1997</b> .....   | HB 227   |
| <b>North Walpole</b>   |          |
| Connecticut River erosion control, appropriation .....                                       | HB 778   |
| village district meeting legalized .....   | HB 811   |
| <b>Northern New England Interstate Commission on Economic Development established</b> .....  | SB 12    |
| <b>Notaries public, arrest removed from application statement</b> .....                      | HB 375   |
| <b>Nuclear power plants, emergency response plan, assessments</b>                            |          |
| collected by emergency management office .....   | HB 572   |
| <b>Nuisance complaints, protection of agriculture operations; right to farm</b> .....        | HB 553   |
| <b>Nullification, federal laws and regulations nullified by states,</b>                      |          |
| petitioning Congress to propose a Constitutional amendment .....                             | HCR 4    |
| <b>Nurses</b>  |          |
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| administrative support services from office of health professions .....                      | HB 600   |
| medical assistants, licensing .....  | HB 281   |
| licensed practical, or certified nursing assistants, employment by schools; duties;          |          |
| administration of epinephrine for emergency treatment of anaphylaxis .....                   | HB 584   |
| <b>Nursing homes</b>   |          |
| Alzheimer's disease special care disclosure act .....  | HB 266   |
| certificate of need law, study .....   | SB 134   |
| counties   |          |
| disposition of deceased patients' accounts; amount increased .....                           | HB 234   |
| proportionate share payments by state, county transfers to state .....                       | HB 1     |
| medication administration and management of personal care assistance personnel, study .....  | HB 426   |
| patients' bill of rights, patient fully informed of condition, needs, and test results ..... | SB 4     |
| public assistance recipients, reimbursement by counties and towns of                         |          |
| non-federal share reduced .....  | HB 597   |
| <b>Nutritionists, certification</b> .....  | HB 725   |

## O

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| <b>Occupational licensing and regulation, sunrise program, regulation</b> |        |
| of previously unregulated occupation, factors .....                       | HB 465 |
| <b>Occupational therapists practice regulated; governing board;</b>       |        |
| office of allied health professionals, duties .....                       | HB 537 |
| <b>Odell, Rabbi Wesley Michael, benediction</b> .....                     | 49     |

**Odiorne Point**

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| Rye, purchase of land by DRED, repayment requirement extended ..... | HB 2am |
| state park, Seacoast Science Center, addition, appropriation .....  | SB 161 |

**Off highway recreational vehicles****DWI**

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| blood alcohol level for persons under age 21 reduced to .02 .....             | HB 672   |
| operating after license suspension or revocation, penalty .....               | HB 203am |
| nighttime speed limit on frozen surface of Back Lake in Pittsburg .....       | HB 415   |
| registration  |          |
| expiration date changed .....   | HB 586   |
| fees increased; disposition, portion to fish and game .....                   | HB 755   |
| fees increased; distribution of funds .....                                   | HB 760   |
| fees, trails bureau grants-in-aid may go to local police for                  |          |
| enforcement of public trail restrictions .....                                | HB 304   |
| prohibited while motor vehicle driver's license is revoked or suspended ..... | HB 335   |
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**Oil**

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| burner technicians, licensing, study .....  | SB 106 |
| discharge and disposal cleanup fund, eligibility after transfer of                      |        |
| ownership; recovery of expenses from insurance; penalties .....                         | HB 698 |
| fuel oil discharge cleanup fund, fee increased; funds transferred                       |        |
| from oil pollution control fund .....   | HB 516 |
| home heating fuel sales, waiting period required before price increase .....            | HB 135 |
| underground storage facilities, violations, penalties .....                             | HB 669 |
| used motor oil collection centers, grants increased; automotive oil fee increased ..... | HB 771 |

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| <b>Old age assistance, priority of charges against the estate .....</b> | <b>SB 96</b> |
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| <b>"Old Man of the Mountain", official name designated.....</b> | <b>HB 285</b> |
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**Open space land**

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|---|--------|
| current use, cities and towns to receive portion of meals and rooms                   |        |
| tax based on amount of land in current use .....                                      | HB 127 |
| defined to include property held by a town in another town for purpose                |        |
| of water supply or flood control .....  | SB 145 |
| discretionary easements for preservation, applicability of statute .....              | HB 215 |
| not eligible for current use taxation for 5 years after zoning reclassification ..... | HB 396 |

**Operating budget**

|                                     |         |
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| 1998 and 1999.....                  | HB 1    |
| trailer bill .....                  | HB 2    |
| 60% majority required to pass ..... | HB 288  |
| balanced, required .....            | CACR 21 |

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| <b>Ophthalmic dispensing board, regulation of opticians .....</b> | <b>HB 775</b> |
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| <b>Organ donations, uniform anatomical gift act reenacted .....</b> | <b>SB 163</b> |
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| <b>Oriental medicine, acupuncture licensing board established .....</b> | <b>HB 378</b> |
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| <b>Ossipee Lake moorings, safety services permit required .....</b> | <b>HB 194</b> |
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| <b>Ossipee/Wolfboro district courts, capital improvements appropriation .....</b> | <b>HB 25am</b> |
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| <b>Osteoporosis prevention and education program .....</b> | <b>HB 765</b> |
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**Outdoor advertising**

|  |        |
|--|--------|
| business directional signs for out-of town businesses not permitted in |        |
| towns with ordinances prohibiting such devices .....                   | HB 294 |
| highways designated as part of National Highway System included        |        |
| for purposes of regulation .....                                       | HB 199 |
| licenses, denial or revocation, automatic hearing removed .....        | HB 217 |

**P**

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| <b>Palace Theater, Manchester, letter of commendation to owner for restoration .....</b> | <b>HR 17am</b> |
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**Paramedics**

|  |        |
|--|--------|
| denial of license for conviction of DWI repealed .....         | HB 163 |
| exempt from jury duty .....                                    | HB 153 |
| liability limited .....  | HB 635 |
| recovery for personal injuries, fireman's rule clarified ..... | HB 329 |

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| <b>Parental rights, modification, mediation required .....</b> | <b>HB 512</b> |
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**Parents**

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| commission on the status of fatherhood .....   | HB 515 |
| notified when minor violates tobacco law ..... | HB 367 |

**Pari-mutuel commission**

|   |          |
|---|----------|
| laws relative to funds, disbursement of funds, and records of receipts repealed ..... | HB 349   |
| simulcast wagering from grand hotels authorized .....                                 | SB 196am |

**Pari-mutuel pools, commission structure revised; tax lowered and standardized;**

|   |        |
|---|--------|
| simulcast racing, number of events lowered; account, telephone,<br>and computer wagering authorized; rulemaking ..... | SB 216 |
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| <b>Park Cemetery, Tilton, veterans' portion maintained by state .....</b> | <b>HB 185</b> |
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**Parking**

|  |        |
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| lots, municipal, liability limited, weather hazards .....  | HB 387 |
| public facilities, cities over 50,000 population, motor vehicle<br>registration surcharge repealed ..... | HB 743 |

**Parks**

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| Alan B. Shepard park commission, development of park at Shepard homestead in Derry ..... | HB 687 |
| and recreation   |        |
| "Old Man of the Mountain" official name designated .....                                 | HB 285 |
| state parks, certain fees increased .....  | HB 618 |
| commissions, towns, powers clarified .....   | HB 381 |
| state, Odiorne point state park, Seacoast Science Center, addition, appropriation .....  | SB 161 |

**Parole**

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|---|----------|
| administrative release of juvenile delinquents .....  | HB 416   |
| lifetime supervision possible for those convicted of aggravated<br>felonious sexual assault against victim under 13 ..... | HB 517   |
| officers  |          |
| additional hired by corrections department .....  | SB 181   |
| medical, physical, and psychological standards .....  | HB 151   |
| powers and duties expanded; sexual assault, coercion of parolee .....   | HB 735am |

**Partnerships**

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|---|--------|
| and limited partnerships, mergers and conversions, procedures .....             | HB 650 |
| foreign, name may not be deceptively similar to real estate trust name .....    | HB 526 |
| limited, beverage manufacturers, vendors, and distributors; financing .....     | SB 87  |
| limited liability, annual fee to replace annual notice; name requirements ..... | HB 713 |
| registered securities   |        |
| penalty for failure to file .....   | HB 713 |
| registration requirements consolidated .....                                    | HB 483 |

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| <b>Pastoral counselors, licensing, study .....</b> | <b>HB 213</b> |
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|---|---------------|
| <b>Patents, intellectual property registry established, study .....</b> | <b>SB 164</b> |
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**Paternity**

|  |        |
|--|--------|
| affidavit, procedure .....   | HB 609 |
| person claiming, notice of hearing for guardianship of minor deleted ..... | SB 85  |

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| <b>Patriots, New England, feasibility of bringing team to NH, study .....</b> | <b>HB 809</b> |
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**Pawnbrokers prohibited from taking certain motor vehicles,**

|   |        |
|---|--------|
| real property, or mortgages as security for loans ..... | HB 327 |
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**Pease air base**

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|---|--------|
| golf course, half-price greens fees for active and retired military personnel .....   | HB 742 |
| meteorological center, feasibility of establishing, study .....   | HB 640 |
| refuse-to-energy facility, closure by Portsmouth, first consideration<br>for inclusion in water pollution control revolving loan fund ..... | HB 593 |

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| <b>Pease development authority</b>  |               |
| eliminated; replaced by Pease international tradeport division of DRED .....                        | HB 657        |
| legislative liaison committee; business inquiries shared with DRED .....                            | HB 268        |
| real property purchases through economic development conveyance or<br>public benefit transfer ..... | HB 268        |
| <b>Pelham, Abbott or Bridge Street bridge, repair, appropriation; bonds .....</b>                   | <b>HB 137</b> |
| <b>Pemigewasset River</b>   |               |
| aircraft prohibited on certain portions .....   | HB 477        |
| fishing in portion, limitations .....   | HB 139        |
| <b>Pensions. See also: Retirement</b>   |               |
| from public funds prohibited for  |               |
| governor, commissioners of state departments, and judges .....                                      | CACR 14       |
| judges .....  | CACR 16       |
| <b>Perinatal alcohol, tobacco, and other drug use task force, name changed</b>                      |               |
| from perinatal chemical dependency task force; membership; terms .....                              | SB 133        |
| <b>Persian Gulf War. See: Gulf War</b>  |               |
| <b>Personal care assistance personnel in long-term care facilities, management, study .....</b>     | <b>HB 426</b> |
| <b>Personal injuries, fireman's rule, application clarified .....</b>                               | <b>HB 329</b> |
| <b>Personal property, liens for repairers .....</b>   | <b>SB 79</b>  |
| <b>Personal Responsibility and Work Opportunity Reconciliation Act of 1996</b>                      |               |
| child support and paternity laws brought into compliance .....                                      | HB 609        |
| exemption, persons convicted of drug-related offense eligible for public assistance .....           | HB 722        |
| unexpended funds to welfare reserve fund .....  | HB 557        |
| <b>Pesticides</b>   |               |
| aerial spraying, permit, time for application and hearing .....                                     | HB 463        |
| control   |               |
| board, citizens advisory committee repealed .....   | HB 171am      |
| categories redefined .....  | HB 207        |
| categories reduced to one .....   | HB 191        |
| division, groundwater monitoring .....  | HB 187        |
| local regulation restored; Maggie Boyle Terninko act .....  | HB 428        |
| <b>Peterborough/Jaffrey district courthouse</b>   |               |
| capital improvements appropriation .....  | HB 25am       |
| lease-purchase agreement with Cheshire county .....   | HB 400        |
| siting and design appropriation .....   | HB 791        |
| <b>Pets, companion animal neutering fund established .....</b>                                      | <b>SB 29</b>  |
| <b>Pharmacists</b>  |               |
| foreign, qualifications .....   | HB 425        |
| prescriptions   |               |
| controlled drugs, 60 day supply of certain drugs to treat attention deficit disorder .....          | SB 24         |
| required for sale of hypodermic syringes to minors only; information on                             |               |
| safe disposal and drug addiction treatment; schools exempted from                                   |               |
| law prohibiting sales except by pharmacies .....  | HB 470        |
| <b>Pharmacy board, administrative support services from office of health professions .....</b>      | <b>HB 600</b> |
| <b>Photographs, motor vehicle driver's license, waiver to remove image from</b>                     |               |
| records prohibited for those convicted of certain crimes .....                                      | SB 119        |
| <b>Physical therapists</b>  |               |
| board established; powers and duties; rulemaking; administratively                                  |               |
| attached to health and human services department .....  | HB 149        |
| practice regulated; governing board; office of allied health professionals, duties .....            | HB 537        |
| <b>Physicians and surgeons</b>  |               |
| abortion  |               |
| partial-birth abortions prohibited; exception .....   | HB 768        |
| penal statutes repealed .....   | SB 34         |
| reporting act .....   | HB 439        |

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|---|---------------|
| <b>Physicians and surgeons</b>  |               |
| determination of treatment for insured patients; not penalized by insurers                |               |
| for recommending course of treatment .....  | HB 451        |
| mental health counselors, sexual misconduct, penalties .....                              | HB 730        |
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| HB 25-A, making appropriations for capital improvements and establishing a committee<br>to study federal buildings and patients needs relative to the veterans'<br>home. Question, adopt motion to suspend the rules. Yeas, 340; Nays, 22 .....    | 938-941       |
| Question, adopt conference committee report. Yeas, 337; Nays, 27 .....   | 941-944       |

**Roll calls (cont.)**

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| HB 50-FN-A-L, increasing aid for kindergarten programs, and establishing a program for the construction of public kindergarten facilities and making an appropriation therefor. Question, adopt majority report of ought to pass. Yeas, 265; Nays, 108 ..... | 578-581 |
| Question, adopt committee amendment. Yeas, 184; Nays, 199 .....  | 646-649 |
| Question, adopt motion to suspend the rules. Yeas, 289; Nays, 76 .....   | 944-946 |
| Question, lay on table. Yeas, 112; Nays, 252 .....   | 947-949 |
| Question, adopt conference committee report. Yeas, 265; Nays, 99 .....   | 949-952 |
| HB 51-FN-A, extending the temporary tax rates of the meals and rooms tax, communications services tax, and real estate transfer tax through the biennium ending June 30, 1999. Question, adopt section 1, meals and rooms tax. Yeas, 287; Nays, 65 .....     | 604-607 |
| Question, adopt section 2, communications services tax. Yeas, 282; Nays, 71 .....  | 607-609 |
| Question, adopt section 3, real estate transfer tax. Yeas, 279; Nays, 75 .....   | 609-612 |
| HB 112, requiring that all changes in state taxes be passed by a 60 percent majority of each house of the general court. Question, adopt committee report of inexpedient to legislate. Yeas, 318; Nays, 26 .....   | 102-105 |
| HB 149-FN, relative to the regulation of the profession of physical therapy. Question, pass over governor's veto. Yeas, 17; Nays, 299 .....  | 959-961 |
| HB 156, eliminating straight ticket voting. Question, ought to pass. Yeas, 149; Nays, 206 .....  | 475-478 |
| HB 169, prohibiting former state legislators from serving as lobbyists for 2 years after leaving the legislature. Question, adopt committee report of ought to pass. Yeas, 231; Nays, 112 .....  | 244-247 |
| HB 178-L, limiting property taxes to 3 percent of the fair valuation of property in the city or town. Question, adopt committee report of inexpedient to legislate. Yeas, 305; Nays, 41 .....  | 158-160 |
| HB 200-FN, prohibiting the use of leghold traps and "conibear" traps. Question, adopt majority report of inexpedient to legislate. Yeas, 286; Nays, 57 .....   | 163-165 |
| HB 201-L, allowing municipalities to apply the amount of a property tax abatement refund to outstanding taxes owed by the taxpayer. Question, adopt majority report of ought to pass. Yeas, 198; Nays, 146 .....   | 108-111 |
| HB 211, defining the terms "psychological injury" and related terms under the child protection act. Question, adopt majority report of ought to pass with amendment. Yeas, 221; Nays, 134 .....  | 483-486 |
| Question, suspend the rules to permit referral to Finance. Yeas, 174; Nays, 181 .....  | 486-488 |
| HB 225-FN, requiring the commissioner of health and human services to establish a needle exchange pilot program. Question, adopt majority report of ought to pass with amendment. Yeas, 203; Nays, 116 .....   | 185-188 |
| HB 260, defining "marriage" to mean a legal union between one man and one woman as husband and wife. Question, adopt majority report of inexpedient to legislate. Yeas, 261; Nays, 85 .....  | 238-241 |
| HB 273-FN, increasing the age that child passenger restraints are required from 12 years of age to 18 years of age. Question, adopt committee report of ought to pass with amendment. Yeas, 279; Nays, 66 .....  | 563-566 |
| HB 275-A-L, establishing the equipment grant program, and making an appropriation therefor. Question, adopt committee report of ought to pass. Yeas, 258; Nays, 84 .....   | 287-289 |
| HB 276, relative to petitions for filing for a primary election. Question, adopt majority report of ought to pass with amendment. Yeas, 277; Nays, 74 .....  | 479-482 |
| HB 286-FN-A, lowering the rate of the interest and dividends tax. Question, adopt committee report of inexpedient to legislate. Yeas, 179; Nays, 150 .....   | 252-255 |
| HB 288, requiring a vote of 60 percent of the house and senate to pass any spending bill. Question, adopt committee report of inexpedient to legislate. Yeas, 326; Nays, 25 .....  | 234-237 |
| HB 323, establishing a right to work act which provides for freedom of choice on whether to join a labor union. Question, adopt amended committee report of ought to pass with amendment. Yeas, 157; Nays, 193 .....   | 155-157 |
| HB 421, amending the law against discrimination to prohibit discrimination on the basis of sexual orientation. Question, adopt majority report of ought to pass with amendment. Yeas, 205; Nays, 125 .....   | 529-531 |

**Roll calls (cont.)**

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| HB 470, implementing recommendations of the Centers for Disease Control and Prevention relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.<br>Question, adopt committee report of ought to pass. Yeas, 211; Nays, 143 .....                          | 499-502 |
| HB 503-FN-L, relative to direct recall elections. Question, adopt majority report of inexpedient to legislate. Yeas, 230; Nays, 124 .....  | 369-371 |
| HB 506, prohibiting all smoking in any restaurant where serving food is the primary function. Question, adopt majority report of inexpedient to legislate. Yeas, 232; Nays, 114 .....  | 443-446 |
| HB 515-FN, establishing the New Hampshire commission on the status of fatherhood. Question, adopt majority report of inexpedient to legislate. Yeas, 236; Nays, 89 .....   | 323-325 |
| HB 530-FN-A, establishing civil action filing fee surcharges to fund civil legal assistance to low income persons and continually appropriating a special fund. Question, adopt committee report of ought to pass.<br>Yeas, 188; Nays, 155 .....   | 326-329 |
| HB 544, relative to reconstruction or repair of boathouses which are suitable for use as dwellings. Question, adopt majority report of ought to pass with amendment. Yeas, 233; Nays, 109 .....  | 545-548 |
| HB 564-FN-A, increasing the cigarette tax and designating a portion of the revenue for anti-smoking programs aimed at teenagers.<br>Question, adopt Wallner floor amendment. Yeas, 178; Nays, 186 .....  | 650-653 |
| Question, adopt committee report of ought to pass with amendment. Yeas, 271; Nays, 81 .....  | 654-657 |
| HB 579-FN-L, providing that a person who, having obtained a restraining order against an abuser and having made all reasonable efforts to preserve employment, leaves a job in order to protect himself or herself from domestic abuse, shall not be denied unemployment compensation. Question, reconsideration. Yeas, 107; Nays, 234 ..... | 518-521 |
| HB 607-FN, relative to special number plates for certain veterans. Question, adopt committee report of inexpedient to legislate. Yeas, 177; Nays, 154 .....  | 191-193 |
| HB 660, adding the name of Martin Luther King, Jr. to Civil Rights Day.<br>Question, remove from table. Yeas, 195; Nays, 161 .....   | 511-513 |
| Question, indefinitely postpone. Yeas 188; Nays, 167 .....   | 514-516 |
| HB 666-FN-L, relative to binding arbitration for law enforcement and firefighter contracts. Question, adopt committee report of inexpedient to legislate. Yeas, 233; Nays, 114 .....   | 241-244 |
| HB 731-FN-A-L, relative to the taxation of sand, gravel, loam, and other similar substances. Question, adopt committee report of ought to pass with amendment. Yeas, 246; Nays, 132 .....  | 631-634 |
| HB 768-FN, relative to certain abortions. Question, adopt majority report of inexpedient to legislate. Yeas, 217; Nays, 137 .....  | 535-537 |
| HCR 10, urging recognition of the contributions made by the Irish potato famine immigrants and observation of the 150th anniversary of the Great Hunger. Question, adopt committee report of inexpedient to legislate. Yeas, 154; Nays, 190 .....  | 201-203 |
| HR 1, adopting the 1996 session house rules, subject to amendments, and fixing January 30, 1997, as the date through which the house rules may be amended by majority vote. Question, adopt Cobbin floor amendment to rule 45(c). Yeas, 186; Nays, 186 (with Speaker's vote) .....   | 79-81   |
| Question, reconsideration. Yeas, 211; Nays, 160 .....  | 81-84   |
| Question, adopt Cobbin floor amendment to rule 45(c). Yeas, 186; Nays, 186 (with Speaker's vote) .....   | 84-87   |
| HR 13, recognizing Bob Dole's many years of public service and dedication to our country. Question, adopt committee report of inexpedient to legislate. Yeas, 191; Nays, 131 .....   | 568-570 |
| SB 34, repealing laws relative to abortion. Question, lay on table.<br>Yeas, 122; Nays, 228 .....  | 726-728 |
| Question, adopt majority report of ought to pass. Yeas, 206; Nays, 144 .....   | 728-731 |
| SB 40, relative to payment of wages by employers. Question, adopt majority amendment. Yeas, 193; Nays, 156 .....   | 799-802 |
| Question, adopt conference committee report. Yeas, 214; Nays, 139 .....  | 886-889 |

**Roll calls (cont.)**

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| SB 62, authorizing the governing bodies of towns which have not adopted the official ballot referendum form of meeting, but which are in school districts which have adopted the official ballot referendum form of meeting, to move the election day of the 1997 and 1998 annual meetings of those towns to April 8, 1997, and April 14, 1998, respectively. Question, adopt committee report of re-refer to committee. Yeas, 222; Nays, 98 ..... | 733-735 |
| SB 63-FN, relative to access to motor vehicle records. Question, adopt committee amendment. Yeas, 120; Nays, 226 .....   | 754-757 |
| SB 108, authorizing school boards of multi-town school districts which have adopted the official ballot referendum form of meeting to establish polling places in addition to the districts' central polling places for the 1997 and 1998 annual meetings. Question, adopt majority report of ought to pass with amendment. Yeas, 265; Nays, 87 .....  | 126-129 |
| SB 109, relative to the official ballot voting option. Question, adopt conference committee report. Yeas, 186; Nays, 166 .....   | 890-892 |
| SB 157, adding the name Martin Luther King, Jr. to Civil Rights Day. Question, adopt committee amendment. Yeas, 165; Nays, 188 .....   | 503-505 |
| Question, adopt Bradley floor amendment. Yeas, 162; Nays, 191 .....  | 506-508 |
| Question, ought to pass. Yeas, 177; Nays, 178 .....  | 508-511 |
| SB 162-FN-A-L, relative to the acquisition of a certain piece of property in Piermont, New Hampshire and making an appropriation therefor. Question, adopt majority amendment. Yeas, 230; Nays, 102 .....  | 817-819 |
| Question, adopt majority report of ought to pass with amendment. Yeas, 223; Nays, 109 .....  | 819-822 |
| Question, adopt committee report of ought to pass with amendment. Yeas, 242; Nays, 108 .....   | 841-844 |
| SB 168-A, requiring the department of corrections to prepare and enter into a lease-purchase agreement with the Berlin Economic Development Council for a medium security correctional facility to be constructed in Berlin and making an appropriation therefor. Question, adopt committee report of re-refer to committee. Yeas, 252; Nays, 67 .....   | 822-825 |
| SB 196-FN-L, allowing the transmission of simulcast races at grand hotels. Question, adopt majority report of ought to pass. Yeas, 104; Nays, 240 .....  | 805-807 |
| SB 202-FN-A-L, relative to the certification of teachers, high school graduation examinations and making and appropriation therefor, school building aid, and establishing a committee to study school discipline and manifest educational hardship. Question, adopt majority report of ought to pass with amendment. Yeas, 180; Nays, 165 .....   | 792-795 |
| Question, reconsideration. Yeas, 152; Nays, 194 .....  | 802-804 |
| Question, adopt committee amendment. Yeas, 327; Nays, 25 .....   | 849-851 |
| Question, adopt Burling floor amendment. Yeas, 154; Nays, 201 .....  | 853-856 |
| Question, adopt committee report of ought to pass with amendment. Yeas, 191; Nays, 161 .....   | 856-859 |
| CACR 1, relating to a 4 year term for the office of governor. Providing that the governor shall be elected every 4 years. Question, adopt committee report of ought to pass with amendment. Yeas, 270; Nays, 78 .....  | 227-230 |
| CACR 4, relating to returning annual legislative sessions to biennial sessions. Providing that the general court shall meet biennially. Question, adopt committee report of inexpedient to legislate. Yeas, 230; Nays, 88 .....  | 188-190 |
| CACR 5, relating to the status of supreme court rules. Providing that the supreme court rules shall no longer have the force and effect of law. Question, adopt majority report of inexpedient to legislate. Yeas, 282; Nays, 69 .....   | 105-108 |
| CACR 6, relating to term limits for state representatives and senators. Providing that the term of office for members of the New Hampshire house and senate shall be limited to 12 consecutive years. Question, adopt committee report of inexpedient to legislate. Yeas, 284; Nays, 57 .....  | 123-125 |
| CACR 10, relating to municipalities' home rule. Providing that municipalities shall have home rule authority to exercise any powers not specifically prohibited by the state or federal constitutions or any statute adopted by the legislature. Question, adopt committee report of ought to pass with amendment. Yeas, 317; Nays, 29 .....   | 539-542 |

**Roll calls (cont.)**

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| CACR 22, relating to changing the minimum age requirement for state senator from 30 to 25. Providing that persons at least 25 years of age shall be eligible to be elected to the state senate. Question, third reading and final passage. Yeas, 323; Nays, 29 ..... | 230-233 |
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| <b>Rollerblading or rollerskiing, school district facilities, liability limited .....</b> | <b>SB 76</b> |
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| <b>Roofing contractors, written contracts required.....</b> | <b>HB 280</b> |
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**Rooms and meals tax. See: Meals and rooms tax**

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| <b>Rosen, Rep. Ralph J., remarks on death of E. Scott McCuskey and on the meaning of Memorial Day .....</b> | <b>962-963</b> |
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**Rules**

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| House, 1996 adopted with amendments .....   | HR 1   |
| state agencies  |        |
| filed with state library before effective; electronic and printed format required .....   | HB 466 |
| noncompliance with joint committee's objections, removal of agency rulemaking officer or suspension of appropriation of state funds ..... | HB 282 |
| safety commissioner's permissible fireworks rules exempt from administrative procedures act .....   | HB 152 |

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| <b>Rumble strips, feasibility of installing before toll booths, study .....</b> | <b>SB 175</b> |
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| <b>Rural electric cooperatives may elect to be exempt from regulation by the PUC .....</b> | <b>SB 116</b> |
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| <b>Russo-Japanese War, remarks by Rep. David S. Feng .....</b> | <b>196-198</b> |
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| <b>Safe Drinking Water Act Amendments of 1996, public systems, rulemaking by environmental services commissioner .....</b> | <b>SB 16</b> |
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**Safety**

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| commissioner  |          |
| boating safety education, rulemaking .....  | HB 710   |
| highways, route 3A, study .....   | HB 486   |
| impaired driver intervention programs, late fees, rulemaking .....  | HB 414   |
| modular building standards, rulemaking .....  | HB 392   |
| motor carrier safety rules, adoption of federal regulations .....   | HB 412   |
| multiple DWI offender intervention program rulemaking repealed .....  | HB 724   |
| permissible fireworks rules exempt from administrative procedure act .....  | HB 152   |
| department  |          |
| additional state troopers; appropriation .....  | HB 719   |
| capital improvements appropriation .....  | HB 25    |
| driver's license suspended or revoked, records marked, plates nonrenewable; conditions for reissuance of plates ..... | SB 173am |
| information about DWI laws for first-time driver's license applicants .....   | HB 462   |
| inventory fund reduced .....  | HB 186am |
| prorated refund of motor vehicle registration fee to seller on sale of previously registered vehicle .....            | HB 109   |
| various capital improvements appropriations extended .....  | HB 25    |
| services  |          |
| mandatory auxiliary marine patrol .....   | HB 561   |
| navigation safety fund from unrefunded boat tolls .....   | HB 658   |
| Ossipee Lake moorings, permit required .....  | HB 194   |

**Sales**

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| apples, controlled atmosphere redefined; maple and honey products, stop sale orders; testing of maple hydrometers repealed ..... | HB 140 |
| baby food or drugs, sales at flea markets prohibited; notice of sale of items beyond expiration date .....                       | SB 18  |
| discrimination against uncertified loggers prohibited .....  | HB 214 |
| exotic aquatic weeds, prohibited .....   | HB 181 |
| farm products, use of certain terms restricted; stop sale orders .....   | HB 291 |
| home heating fuel, waiting period required before price increase .....   | HB 135 |

**Sales (cont.)**

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| motor vehicle retail installment sales, definitions and licensing requirements changed; penalties increased ..... | HB 453 |
| previously registered motor vehicle, prorated refund of registration fee to seller .....                          | HB 109 |
| sheep and goats milk regulated .....  | HB 434 |
| tobacco products  |        |
| disclosure of additives and nicotine yield ratings .....  | HB 147 |
| to minors prohibited; vending machines, lock-out device required .....  | HB 599 |
| waxed fresh produce, notice of ingredients in wax .....   | HB 464 |

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| <b>Sales representatives, post-termination commissions, treble damages for failure to pay .....</b> | <b>HB 711</b> |
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| <b>Sand and gravel excavation tax .....</b> | <b>HB 731</b> |
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**School buses**

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| emergency vehicles required to stop for .....                             | HB 797   |
| private, carrying public school pupils, road toll refund .....            | HB 471   |
| transportation between schools and before-and-after school programs ..... | SB 194am |

**School districts**

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| annual report and budget must be published at least one week before town meeting .....            | HB 287   |
| approval  |          |
| by state board of education for eligibility for state aid, repealed .....                         | HB 656   |
| of dual enrollment plans removed .....  | HB 317   |
| of SAU budgets required .....   | HB 143   |
| area, withdrawal of receiving district, study .....   | SB 115am |
| clerk, moderator, and treasurer, optional terms of office .....                                   | HB 808   |
| computer systems and networks, policy for appropriate use; liability of users .....               | HB 110   |
| cooperative   |          |
| conversion from area school, eligibility for building aid restricted .....                        | HB 436   |
| increase or decrease in grades, articles of agreement amended; state board approval removed ..... | HB 436   |
| polling places in each member town .....  | HB 295   |
| withdrawal issues, study .....  | HB 165   |
| criminal history record checks for all applicants for employment .....                            | HB 703   |
| provisions for contract employees .....   | HB 102   |
| drug testing, random, approval of voters required; referendum .....                               | HB 242   |
| facilities for skateboarding, rollerblading, or rollerskiing, liability limited .....             | SB 76    |
| foundation aid, cross reference revised .....   | HB 562   |
| kindergarten  |          |
| aid and alternative aid increased; construction program established .....                         | HB 50    |
| construction appropriation, bonds limited to certain amounts each year .....                      | HB 2am   |
| incentive aid, construction must meet state standards; disbursement of funds, times .....         | HB 748   |
| special number plate and fee .....  | HB 729   |
| statewide, appropriation .....  | HB 577   |
| meetings  |          |
| 1997 and 1998, official ballot law, additional polling places .....                               | SB 108   |
| held at multiple locations; budgetary official ballot, charter provision .....                    | HB 289   |
| line items or programs may be deleted .....   | SB 37    |
| official ballot law, additional meeting and polling locations .....                               | SB 109   |
| official ballot law, coordination of elections in non-official ballot law towns .....             | HB 811am |
| official ballot voting on some or all warrant articles .....                                      | HB 174   |
| time limit extended .....   | HB 166   |
| peer mediation programs encouraged .....  | HCR 2    |
| pupils, legal residence and resident defined .....  | HB 154   |
| regional vocational centers, grants for renovation .....  | HB 700   |
| special education, catastrophic aid fully funded .....  | HB 50am  |
| .....   | HB 223   |
| special, in corrections department for state prison inmates .....                                 | SB 205   |
| special meetings, emergency defined .....   | HB 502   |
| teachers. See: Teachers   |          |
| transportation of pupils between schools and before-and-after school programs .....               | SB 194am |
| treasurers  |          |
| deposits in out-of-state banks; provisions; report by bank to state treasurer removed .....       | HB 572   |
| investment in collateralized money markets with major investments .....                           | HB 474   |

**School districts (cont.)**

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| urged to require interaction between special education pupils and<br>nondisabled pupils for academic credit ..... | HR 9 |
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**Schools**

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| administrative units   |               |
| budgets, approval of member school districts required .....  | HB 143        |
| organization or withdrawal, times changed; hearings, state board<br>recommendation; 3/5ths majority vote required .....  | HB 318        |
| Bridgewater and Hebron, village district to construct and maintain a<br>public school facility .....   | HB 436am      |
| building aid   |               |
| conversion from area school to cooperative school district, eligibility restricted .....   | HB 436        |
| renovations and air conditioning for year round schools, and generic<br>architectural plans, provisions .....  | SB 202        |
| study .....  | HB 230        |
| charter schools, applications, procedures revised .....  | SB 154        |
| drug-free zones, tobacco and alcohol product advertising prohibited .....  | HB 721        |
| equipment grant program for science and vocational instruction; appropriation; bonds .....   | HB 275        |
| exempted from law prohibiting sale of hypodermic syringes .....  | HB 470        |
| funding  |               |
| flat county property tax .....   | HB 613        |
| local property tax not source; flat income tax to replace .....  | HB 574        |
| high schools   |               |
| age changed .....  | HB 784        |
| open enrollment mandatory .....  | HB 661        |
| literacy   |               |
| instruction and study repealed .....   | HB 219        |
| reading recovery training program .....  | HB 229        |
| nurses, licensed practical, or certified nursing assistants, employment; duties;<br>administration of epinephrine for emergency treatment of anaphylaxis ..... | HB 584        |
| public   |               |
| education, celebration of 350th anniversary; 1999 "year of public education" .....   | HB 779        |
| smoking on school grounds prohibited .....   | HB 599        |
| records  |               |
| directory information, disclosure .....  | HB 450        |
| permanent paper records may be destroyed after being transferred to computer .....   | HB 270        |
| sexual offenders against children registration, police must notify .....   | HB 682        |
| technology development, funded from video rental tax .....   | HB 601        |
| technology plan, oversight committee .....   | HB 262am      |
| vocational student organizations, appropriation .....  | HB 783        |
| zones, speed limits reduced, staggered school openings and closings .....  | HB 123        |
| <b>Scott Pond, Fitzwilliam, renamed West Scott Pond and East Scott Pond .....</b>  | <b>HB 302</b> |
| <b>Seacoast Science Center addition, appropriation .....</b>   | <b>SB 161</b> |
| <b>Seat belts</b>  |               |
| child safety restraint offenses, penalty assessment for brain and<br>spinal cord injury trust fund .....   | HB 592        |
| required, children to age 18 .....   | HB 273        |
| <b>Secretary of state</b>  |               |
| capital improvements appropriation .....   | HB 25am       |
| centralized, computerized checklist; appropriation .....   | HB 647        |
| certificates for verification of digital signatures .....  | HB 290        |
| .....  | SB 207        |
| certification of auctioneers .....   | HB 753        |
| lobbyists, additional regulatory power .....   | HB 796        |
| nomination and election conducted without regard to political affiliation of the candidate .....   | HB 383        |
| state revenue bond accounts, deposit repealed; deposit of state<br>treasurer's surety bond removed .....   | HB 714        |
| trade name registration  |               |
| real estate trusts required to register .....  | HB 526        |
| term computer or software engineer allowed under engineers chapter .....   | HB 192        |
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| <b>Secured transactions, security interests on manufactured housing</b>                 |               |
| filed in office where mortgage would be filed .....                                     | HB 580am      |
| <b>Securities</b>   |               |
| branch office defined; limited licensing of Canadian broker-dealers;                    |               |
| various technical amendments .....  | HB 483am      |
| federal covered security defined  |               |
| compliance with National Securities Markets Improvement Act of 1996 .....               | HB 611        |
| registration requirements for corporations and partnerships consolidated .....          | HB 483        |
| registration  |               |
| corporations and partnerships, penalty for failure to file .....                        | HB 713        |
| uniform transfer on death security registration act .....                               | SB 135        |
| transfer excise tax; funds for property tax relief .....                                | HB 569        |
| <b>Self-service storage facility act .....</b>  | <b>HB 449</b> |
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| members   |               |
| minimum age lowered to 25 .....   | CACR 22       |
| terms limited .....   | CACR 6        |
| president   |               |
| campaign contribution reporting requirements; registration as political committee ..... | HB 379        |
| elected from among the members .....  | CACR 19       |
| US, members, terms limited .....  | CACR 7        |
| urging US Constitutional amendment .....  | HCR 8         |
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| extended term of imprisonment, crimes against child under 13 .....                      | HB 559        |
| good conduct credits to reduce minimum sentence for those convicted of nonviolent       |               |
| crimes; alternate sentence to substance abuse treatment centers, study .....            | SB 181        |
| juvenile delinquents  |               |
| placement at certified facilities or administrative release .....                       | HB 416        |
| records may be accessed by court considering sentence of adult                          |               |
| convicted of certain crimes .....   | HB 692        |
| life imprisonment for conviction of 3 serious violent felonies .....                    | HB 558        |
| presumptive, and guidelines, study .....  | SB 20         |
| prisoners, uncompensated public service at municipality-owned                           |               |
| property arranged by county commissioners .....   | HB 130        |
| sex-related crimes, incarceration treatment, study .....                                | HB 353        |
| sexual assault, aggravated felonious, victim under 13, sentence may be                  |               |
| life imprisonment; release from parole for good conduct not available .....             | HB 517        |
| sexual offenders against children, certain chemical treatments imposed .....            | HB 438        |
| <b>Septage</b>  |               |
| defined to exclude sludge; regulated separately .....                                   | HB 497        |
| exceptional quality, exception from regulation .....                                    | HB 496        |
| use and disposal, study extended .....  | HB 172        |
| <b>Septic systems</b>   |               |
| approval required for reconstruction or repair of dwellings over water .....            | HB 544        |
| dual pipe and tank systems, study .....   | HB 479        |
| standards for soil information, report by state planning office                         |               |
| and environmental services .....  | HB 389am      |
| statewide standards .....   | HB 405        |
| <b>Sergeant-at-arms, Rob Johnson elected .....</b>                                      | <b>10</b>     |
| <b>Session laws, publication and distribution changed; advance</b>                      |               |
| publication of acts and resolves .....  | HB 2am        |
| <b>Sewage disposal systems</b>  |               |
| approval required for reconstruction or repair of dwellings over water .....            | HB 544        |
| statewide standards .....   | HB 405        |
| <b>Sex-related crimes, prosecution, incarceration, and sentencing, study .....</b>      | <b>HB 353</b> |
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| revenue administration records and audits, disclosure to other states repealed .....   | HB 705  |
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| state, forms and instructions, "Package X", published by revenue<br>administration department .....  | HB 2am  |
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| underpayments, interest computed on difference between total tax and the amount paid;<br>interest not accrued until taxpayer receives notice of deficiency .....         | HB 788  |
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## certification

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| <b>Telemarketing</b> registration and fraud prevention act ..... | HB 670 |
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| misuse, penalty; expanded to wireless service; surcharge .....  | HB 726am |
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| state agencies, toll-free access .....                          | HB 741   |
| telecommunications assistance program for the handicapped,      |          |
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| outcome of election before the polls are closed .....                                 | HR 10  |
| Channel 9 (WMUR), statewide access urged as official disaster reporting station ..... | HR 15  |
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| of subdivision .....  | HB 529 |
| political advertising, identification, picture of candidate; independent              |        |
| advertising, warning required .....   | HB 659 |

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| <b>Terninko, Margaret Boyle, act restoring local regulation of pesticides named for .....</b> | <b>HB 428</b> |
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| <b>Theaters, restored, letter of commendation to owners .....</b> | <b>HR 17am</b> |
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| <b>Theft, motor vehicles, penalties .....</b> | <b>HB 565</b> |
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| <b>Thomas, Georgie A., elected state treasurer .....</b> | <b>11</b> |
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| Silver Lake, issues regarding water flow from Winnepesaukee River, study ..... | SB 144 |

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| coupons, distribution to minors prohibited .....                                   | HB 487 |
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| excessive use, willful misconduct which may bar provision of                       |        |
| certain services, study .....  | HB 499 |
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| definitions; fines increased; exemptions for small restaurants and                 |        |
| certain patients repealed .....  | HB 505 |
| smoking prohibited in restaurants .....  | HB 506 |
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| perinatal alcohol, tobacco, and other drug use task force; membership; terms ..... | SB 133 |
| sales to and use by minors prohibited; vending machines, lock-out device           |        |
| required; smoking on school grounds prohibited .....                               | HB 599 |
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| non-official ballot law towns with official ballot law school districts,                          |          |
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| special, emergency defined .....  | HB 502   |

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| 10,000 or more population, selectmen's authority to sell town buildings .....              | HB 380    |
| 50% of meals and rooms tax distributed to .....  | HB 738    |
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| airports, property and rights outside municipal boundaries, payments in                    |           |
| lieu of taxes, date changed .....  | HB 543    |
| brownfields, contaminated properties acquired by tax deed, no liability;                   |           |
| abatements to eligible owners .....  | HB 636    |
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| health officers  |           |
| considered state employees for purposes of defense and indemnification .....               | HB 218    |
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| maintained by counties for 20 years, deemed to be town highways .....                      | HB 208    |
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| liability limited, parking lots, weather hazards .....                                     | HB 387    |
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| motor vehicle registration, additional fee for municipal and                               |           |
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| appropriations for organizations that lobby, separate vote required .....                  | HB 522    |
| initial bond issue not recommended by budget committee may exceed the 10% limitation ..... | HB 422    |
| special warrant articles, notation of recommendation, defects not to                       |           |
| affect appropriation's legal validity .....  | HB 216    |
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| may prohibit sexually oriented business .....  | HB 244    |
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| pooled risk management boards, composition .....   | HB HB 222 |
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| flood control defined as open space land .....   | SB 145    |
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| acquisition of electric or water utilities, PUC determination of public interest .....     | HB 702    |
| municipal electric systems, customers exempt from electricity consumption tax .....        | HB 602    |
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| taxes   |        |
| abatement appeals to tax and land appeals board or superior court,<br>review of formal hearing record only .....  | HB 250 |
| abatement, refund may be applied to outstanding taxes .....   | HB 201 |
| bills, information required to include names and phone numbers of officials .....   | HB 542 |
| bills, taxpayers given option of funding nonprofit organizations .....  | HB 590 |
| condominium units taken for nonpayment, town exempt from payment of<br>common expenses; paid by successful bidder at tax sale .....                               | HB 594 |
| delinquent, manufactured housing or condominium units, alternatives<br>to accepting tax deed; indefinite liens .....  | HB 701 |
| exemptions, industrial construction .....   | HB 198 |
| imposed on property of academic institutions used for housing, study .....  | HB 709 |
| inventories may be taken as often as tax bills are issued .....   | SB 27  |
| land may be taxed at greater rate than buildings .....  | HB 337 |
| local meals and rooms tax .....   | HB 427 |
| reassessments may be delayed for businesses which expand in central business districts,<br>and for buildings listed in National Register of Historic Places ..... | HB 620 |
| sand and gravel excavations .....   | HB 731 |
| trailers or recreational vehicles used for storage or habitation<br>must be registered or be subject to property tax .....  | HB 206 |
| telecommunications services, joint purchase .....   | HB 452 |
| trash removal vehicles exempt from length, width, and weight laws .....   | HB 654 |
| trust funds, investment in mutual funds and credit unions permitted; conditions .....   | SB 5   |
| utility property subject to taxation .....  | HB 707 |

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| <b>Trade names, real estate trusts, registration required .....</b> | <b>HB 526</b> |
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| <b>Trademarks, intellectual property registry established, study .....</b> | <b>SB 164</b> |
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| used for storage or habitation must be registered under motor vehicle<br>laws or be subject to property tax ..... | HB 206 |
| vehicles with trailers, travel in left lane of highway prohibited .....   | HB 238 |

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| grants-in-aid may go to local police for enforcement of public trail restrictions ..... | HB 304 |
| recreational, easements, rail service may be restored without disturbing trail .....    | HB 712 |

**Transportation, towns, infrastructure improvement fund from additional**

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| registration fee; local option ..... | HB 648 |
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**Transportation department**

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| aeronautics division, rural airport capital revolving loan funds; appropriation .....   | SB 180 |
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| claims against, less than \$500, settled by the department .....  | HB 461 |
| commissioner  |        |
| 1990 appropriation purpose expanded to include purchase of private airports .....   | HB 413 |
| and planning boards, continuing jurisdiction over driveways; powers;<br>stone walls and fences, removal or reconstruction ..... | HB 343 |
| asbestos removal from state buildings, appropriation .....  | HB 1   |
| certain rulemaking regarding railroads and aircraft conditionally repealed .....  | HB 265 |
| highways, route 3A, study .....   | HB 486 |
| may open Hooksett toll booths to southbound traffic at conclusion of<br>Winston Cup races at NH International Speedway .....    | HB 175 |
| or designee member of aviation users advisory board .....   | HB 226 |
| funds from highway surplus account transferred to .....   | HB 810 |
| highways  |        |
| designated as part of the National Highway System included for purposes<br>of regulating outdoor advertising .....              | HB 199 |

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| route 4, Chichester, truck safety station, public hearing required .....               | HB 182  |
| turnpike renewal and replacement fund .....  | HB 2am  |
| outdoor advertising licenses, denial or revocation, automatic hearing removed .....    | HB 217  |
| rail and transit bureau, name changed from railroads and public transportation .....   | SB 213  |
| <b>railroads</b>   |         |
| and private airports, capital improvements appropriation increased                     |         |
| and purpose expanded .....   | HB 25am |
| corridors, preservation and revitalization urged .....                                 | HCR 11  |
| tracks upgraded, 5 year plan .....   | HB 712  |
| various capital improvements appropriations extended .....                             | HB 25   |
| Weirs Beach landscaping, appropriation .....   | HB 347  |

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| <b>Trapping, steel leg and conibear traps prohibited .....</b> | <b>HB 200</b> |
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**Trash. See: Solid waste**

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| <b>Travel and tourism revolving fund, portion of meals and rooms tax deposited in .....</b> | <b>HB 728</b> |
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**Treasurer, state**

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| bank deposits in trust companies and savings banks; checks void after                            |        |
| one year; disposition of unclaimed funds, escheat .....  | HB 572 |
| Georgie A. Thomas elected .....  | 11     |
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| surety bond, deposit with secretary of state removed .....                                       | HB 714 |

**Trees**

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| short rotation tree fiber farming included in definition of farm and agriculture ..... | HB 352 |

**Trespass**

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| land surveyors entry upon land not a trespass .....  | SB 125 |
| standard of care owed by landowner to children ..... | HB 103 |

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| plea bargains, deadline .....  | HB 104 |
| violations, civil penalties exceeding \$1500, appeal to superior court, jury trial ..... | SB 71  |
| witnesses, mileage allowance increased; fees for police officer increased .....          | HB 664 |

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| <b>Trotlines, use in fishing prohibited .....</b> | <b>HB 403</b> |
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| banks may invest in bank-affiliated investments .....                 | SB 139 |
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| non-charitable, trustees, reasonable compensation; charitable           |        |
| trusts, trustees, reasonable compensation study .....                   | SB 82  |
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**Turkeys, wild, hunting**

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| fish and game executive director's rulemaking clarified ..... | HB 681 |
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| <b>Underground storage facilities, violations, penalties .....</b> | <b>HB 669</b> |
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| amount withheld for overissuance of food stamps; employer's separate |        |
| account, credit for administrative contributions .....               | HB 769 |

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| employer contributions   |        |
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| late payments credited on next date; fraudulent or false acts by employer, penalties ..... | HB 667 |
| information exchange agreement between revenue administration and                          |        |
| employment security department; confidentiality .....                                      | HB 667 |
| Littleton district office closed .....   | HB 807 |

**Unfair insurance trade practices**

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| credit ratings and histories may not be used in rate setting for motor                 |          |
| vehicle and homeowners insurance .....   | SB 104am |
| drug copayments, insurer may not substitute for the prescribed drug;                   |          |
| generic copayment rate required for all drugs .....                                    | HB 376   |
| fraud, reporting, no civil or criminal liability; insurers antifraud initiatives ..... | SB 211   |
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| commercial code  |          |
| financing statements, surcharge to local government records management                             |          |
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| secured transactions, security interests on manufactured homes filed in                            |          |
| office where mortgage would be filed .....   | HB 580am |
| foreign depositions .....  | HB 331   |
| international banking act .....  | HB 128   |
| interstate family support act to replace reciprocal enforcement of support act .....               | HB 609   |
| simultaneous death act revised .....   | SB 84    |
| transfer on death security registration act .....  | SB 135   |
| trustees' powers act, homestead rights not lost by transfer of property into revocable trust ..... | HB 805   |

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| <b>Unincorporated places, special ballots .....</b> | <b>HB 205</b> |
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**United Nations, Convention for the Elimination of All Forms of**

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| Discrimination Against Women, ratification urged ..... | HCR 12 |
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**United States****Congress**

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| and EPA urged to amend Clean Air Act for more cost effective air pollution reductions ..... | HJR 5  |
| and FERC urged to cooperate with state plans for electric power restructuring .....         | HJR 4  |
| and Veterans Administration urged to maintain quality of health care                        |        |
| services for NH veterans .....  | HJR 7  |
| candidates exceeding voluntary campaign expenditure limitations,                            |        |
| penalties increased .....   | HB 314 |
| constitutional acts, compliance in executive branch reorganization .....                    | HB 346 |
| members, terms limited .....  | CACR 7 |
| petitioned to enact legislation requiring Congress to cite Constitutional authority to      |        |
| enact proposed laws; agency rules not to preempt state or                                   |        |
| local powers without express statutory authority .....                                      | HCR 5  |
| petitioned to propose a Constitutional amendment establishing                               |        |
| nullification of federal laws .....   | HCR 4  |
| petitioned to propose a Constitutional amendment prohibiting the federal                    |        |
| government from imposing regulatory and unfunded mandates .....                             | HCR 7  |
| petitioned to propose a Constitutional amendment to provide states a                        |        |
| method of offering amendments .....   | HCR 6  |
| requested to propose a Constitutional amendment prohibiting federal courts from             |        |
| ordering a state or political subdivision to levy or increase taxes .....                   | HCR 1  |
| urged to fund special education and amend the Individuals with                              |        |
| Disabilities Education Act .....  | SJR 2  |
| urged to pass the Family Forestland Preservation Tax Act .....                              | HJR 2  |
| urged to propose a Constitutional amendment limiting Congressional terms of office .....    | HCR 8  |
| urged to propose legislation overturning a federal court decision                           |        |
| limiting credit union membership .....  | HCR 3  |

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| <b>USA Boxing, Inc.</b> , rules followed in amateur matches ..... | HB 188 |
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**University of NH**

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| cooperative extension, recommendation of best management practices<br>for sludge application .....                   | HB 496 |
| Durham, sports/entertainment complex, alcoholic beverage license .....   | SB 183 |
| research facility at Pease, remaining funds used for planning and design<br>of research facility at UNH campus ..... | HB 2am |
| system   |        |
| capital improvements appropriation, competitive bids .....   | HB 25  |
| study committee, membership changed .....  | SB 128 |
| various capital improvements appropriations extended .....   | HB 25  |

**Unorganized places. See: Unincorporated places****V**

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| <b>Vending machine</b> sale of tobacco products, lock-out device to prevent<br>sale to minors required; license fee ..... | HB 599 |
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| <b>Venture capital funds</b> , business profits tax repealed ..... | HB 717 |
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| <b>Vermont</b> , member of Northern New England Commission on Economic Development ..... | SB 12 |
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**Veterans**

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| cemetery  |         |
| Boscawen, operation and maintenance by adjutant general; appropriations .....                                   | SB 182  |
| established; board of overseers; appropriation; study committee extended .....                                  | HB 524  |
| club redefined under liquor laws .....  | HB 228  |
| Congress and Veterans Administration urged to maintain quality of health<br>care services for NH veterans ..... | HJR 7   |
| Gulf War, dates of service to qualify for bonus; residency; fraud .....   | HB 117  |
| home  |         |
| capital improvements appropriation .....  | HB 25   |
| expansion, appropriation .....  | HB 507  |
| federal buildings and patients' needs, study .....  | HB 25am |
| services expanded .....   | HB 678  |
| honorably discharged, special number plates .....   | HB 607  |
| Park cemetery, Tilton, portion maintained by state .....  | HB 185  |
| POWs, special number plates may be retained by surviving spouse .....   | HB 116  |
| priority in training programs funded by state or federal government .....                                       | HB 257  |
| service-connected disability payments not considered income for purposes of alimony .....                       | HB 549  |

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| <b>Viatical settlements act</b> ..... | HB 263 |
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**Video gambling**

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| establishment or expansion prohibited for 2 years ..... | HB 173 |
| machines, licensing and regulation .....                | HB 668 |

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| <b>Video recordings</b> of ordinary police duties without notification ..... | HB 694 |
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**Video rentals tax, funds to statewide technology development and**

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**Village districts**

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| added to highway construction aid .....  | HB 155   |
| Bridgewater and Hebron, special district to construct and maintain a<br>public school facility ..... | HB 436am |
| budgetary official ballots, charter provision .....  | HB 289am |
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| <b>Wadsworth, Karen O., elected clerk .....</b> | <b>10</b> |
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| <b>Walker building rehabilitation appropriation, bonds .....</b> | <b>HB 305</b> |
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| <b>Warrants, administrative inspection, state agencies, inspection requirements .....</b> | <b>HB 518</b> |
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| <b>Waste-to-energy facilities, closures, grants to aid municipalities .....</b> | <b>HB 593</b> |
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